Maj. Gen. Clements McMullen (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. Hoyt Sanford Vandenberg, United States Army, nominated for appointment as major general.

Maj. Gen. Howard Arnold Craig (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. George Edward Stratemeyer, United States Army, nominated for appointment as major general.

IN THE NAVY

The following-named (Naval ROTC) to be ensigns in the Navy from the 6th day of June 1947:

Bernard N. Bloom
Billy A. Dodge

The following-named (Naval ROTC) to be ensigns in the Navy from the 6th day of June 1947, in lieu of assistant civil engineers in the Navy with the rank of ensign, as previously nominated and confirmed:

Maurice A. Person
Donald R. Williams

The following-named (Naval ROTC) to be ensigns in the Navy from the 6th day of June 1947, in lieu of ensigns in the Navy as previously nominated and confirmed, to correct spelling of name:

Charles R. Hannum
Donald J. Weintraut
George T. Younggren

Joseph W. Neudecker, Jr. (Naval ROTC) to be an assistant civil engineer in the Navy with the rank of ensign, from the 6th day of June 1947, in lieu of an ensign in the Navy as previously nominated and confirmed.

Francis Roche (civilian college graduate) to be an assistant paymaster in the Navy with the rank of ensign.

WITHDRAWALS

Executive nominations withdrawn from the Senate June 4 (legislative day of April 21), 1947:

IN THE ARMY

TO BE MAJOR GENERALS

Lt. Gen. Alvan Cullom Gillem, Jr. (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Wilhelm Delp Styer, United States Army, retired, April 30, 1947.

Lt. Gen. Wade Hampton Haislip (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Clarence Self Ridley, United States Army, who retires June 30, 1947.

Lt. Gen. Walton Harris Walker (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Ira Clarence Eaker, United States Army, who retires July 31, 1947.

Lt. Gen. Hoyt Sanford Vandenberg (brigadier general, United States Army), Army of the United States, vice Maj. Gen. James Eugene Chaney, United States Army, who retires July 31, 1947.

Lt. Gen. George Edward Stratemeyer (brigadier general, United States Army), Army of the United States, vice Maj. Gen. Jonathan Mayhew Wainwright, who retires August 31, 1947.

TO BE BRIGADIER GENERALS

Maj. Gen. Joseph May Swing (colonel, Field Artillery), Army of the United States, vice Brig. Gen. Alvan Cullom Gillem, Jr., United States Army, nominated for appointment as major general.

Maj. Gen. Edward Hale Brooks (colonel, Field Artillery), Army of the United States, vice Brig. Gen. Wade Hampton Haislip, United States Army, nominated for appointment as major general.

Maj. Gen. Wilton Burton Persons (colonel, Signal Corps), Army of the United States, vice Brig. Gen. Walton Harris Walker, United States Army, nominated for appointment as major general.

Maj. Gen. Clements McMullen (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. Hoyt Sanford Vandenberg, United States Army, nominated for appointment as major general.

Maj. Gen. Howard Arnold Craig (lieutenant colonel, Air Corps), Army of the United States, vice Brig. Gen. George Edward Stratemeyer, United States Army, nominated for appointment as major general.

NOTE.—These nominations are withdrawn due to the change in the effective date of retirement of General Eaker from July 31, 1947, to August 31, 1947. For reasons stated above these names are being resubmitted in a revised nomination.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 4, 1947

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, our Heavenly Father, the morning light has broken and Thy mercy has embraced us; surely Thy goodness endures forever. We praise Thee that Thou dost make known Thy loving kindness; while all earthly things are transient, we are grateful for the blossoming in the wilderness, untouched and unsmitten. The richest treasures of life are invisible and known only to the human heart, whose gifts cannot be weighed, measured, or counted.

In our contention against evil, O Lord, quicken every laggard step, every faltering heart and hesitant mind, and give triumph to courage and the sense of justice born of goodness. Cleanse our minds and purge our lips from all irreverent and evil speaking, and may we be as prophets rising above confusion, pointing the way that was hallowed by our fathers, who served and died to keep men free. O direct us until our consciences accept the holiness of Thy law and we become united with the purpose of Thy holy will.

Through Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) entitled "An act to reduce individual income-tax payments."

THE SUGAR SITUATION

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Speaker, I have been looking into the sugar situation a little, and I find there is an immense amount of sugar in the warehouses and in the refineries, in many instances more than they are able to take care of. I also find that the sugar situation is much better than it was last year, that they are expecting a considerable increase in imports from Cuba and other countries in the next few months. Taking these facts into consideration, I take this time to suggest to the Department of Agriculture and to those who have charge of allocation and distribution of sugar that they look into this matter and allow an extra 10 or 15 pounds per capita to the home canners, to take effect not later than July 1, and not wait until it is too late. With the sugar situation as it now stands, I urge the Department of Agriculture to take early action to provide for this extra canning sugar. In order that we may preserve and keep from waste millions of pounds of food, I think something ought to be done by the Department of Agriculture for the home canners of the country and to save all food available rather than to allow it to go to waste.

The SPEAKER. The time of the gentleman from Illinois has expired.

GREECE AND TURKEY

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, during the debate on the late lamented Greek-Turk aid bill there were many of us who contended that matter should have been referred to the United Nations for action. Much to my surprise, today I find that one of the distinguished delegates to United Nations, Mr. VANDENBERG, rose in great wrath and denounced the action of the Communists in Hungary in taking over that Government. In the Greek-Turkish matter Mr. VANDENBERG said the United Nations was not equipped to act. But yesterday that distinguished gentleman said that the United Nations can and may be called upon. Mr. Speaker, what kind of consistency is this? Mr. VANDENBERG has jumped from the frying pan into the fire. If this is what is called a bipartisan foreign policy, I want none of it.

I am seeking light because I want to know if the United Nations should act for Hungary why is it not good also for the United Nations to act in Greece and Turkey?

I would like an answer to that question.

DEATH OF THE OPA

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GAVIN. Mr. Speaker, it is with deep regret that I arise to announce that a significant event of great importance took place last Saturday, May 31—an event that received but little recognition and no comment. That was the official death of the OPA.

During its lifetime the OPA commanded great attention and played an important part in the economic structure of America.

It has gone to its reward, along with the NRA, the OWI, and the Office of Culture and Information. They, too, enjoyed great prestige during their short but exciting existence.

The OPA will always be something to be remembered but not talked about, and its passing can be properly recorded under the head of public improvements. Farewell.

[From the Bristol (Pa.) Courier of June 2, 1947]

DEATH OF THE OPA

Officially, Saturday marked the death of OPA—Office of Price Administration—which was by all odds the most controversial and least satisfactory of the many agencies created for the war.

The OPA was in constant hot water, during and after the war emergency, both because it came closely in contact with the private lives of American citizens and because so much of its activities failed to get the expected results.

In looking back at the OPA, future generations will want to ask many questions. This is especially true if the present drift toward a Third World War continues. Then the problem will rise, inevitably, whether to re-create OPA or try something different.

In evaluating OPA let's go back to first principles. The question often is heard, "Was there really need for price controls and rationing, or were they simply used as excuses for putting political favorites on the pay roll?"

The answer to that question is not simple. If it must be answered "yes" or "no," then "yes" has to be the reply, but for very definite reasons, which OPA itself seems never to have understood.

Rationing was necessary, in some form or other, for two reasons: First, to assure fair distribution of scarce items; second, as an evidence of good faith to our foreign allies, who were "up against it" for lack of many items abundant here and dependent upon our supplies for their survival.

Pearl Harbor cut the "rubber life line" of the United States. It also disrupted the Nation's sugar supply. Need for rapid production of arms and ammunition gobbled up our stocks of many other commodities—tin, copper, etc.

Price control, under the circumstances, was almost inescapable. Had Uncle Sam and private purchasers gone into price competition with each other for these items, "profiteers" would have tried to corner the market, and there would have been turmoil and extravagant waste.

The second basic question which had to be answered when rationing and price control were decided to be necessary was how these regulations were to be administered. There was a definite choice in the matter. During the First World War this was done by about 90 percent voluntary effort, and public morale was built up to make the rules largely self-enforcing. This was one way to do the job.

The other way was to copy the European invention of the past two generations—what is called bureaucracy. That meant the creation of a vast Federal agency which would have, in effect, the power to make its own rules (legislative authority); the power to enforce its rules (executive authority); and the power to determine whether its employees or the unhappy civilians who complained were in the right (judicial authority).

Widespread as bureaucracy has become in the Federal Government, it is and always will be contrary to the intention of the Constitution and therefore repugnant to the American sense of how the country ought to be run.

First announcements of OPA, back in the defense period, were carefully worded to give two impressions, both of which presently developed to be fraudulent. One was that the voluntary phase of enforcement would be emphasized. The other was that the power back of the controls would be not new powers in the hands of Uncle Sam but the so-called police power of the States, once assumed to be their most important sovereign right under the Constitution.

States organized the OPA. Local boards were created which, at the start-off, had wide discretion to meet unusual problems.

Presently, however, the whole structure was taken over out of Washington. Directives of such complexity that no two attorneys could agree on their meaning were dumped on the local boards. Those were the days of the famous order that no more female steers should be slaughtered for beef. A host of bright young college graduates, still damp behind the ears, and most of them with conspicuous political contacts in the New Deal, moved in. They had a field day. No one knew what they were trying to do—not even themselves. If something worked out a way they disliked, they simply passed a new rule—retroactively, in many cases.

State cooperation in the program was blasted by the creation of districts—Pennsylvania, for example, was suddenly being run out of New York, along with New Jersey, Delaware, Maryland, and the District of Columbia. Those in charge knew less than nothing about the internal problems in this State. For a time there was uncertainty in the chain of command. Some Washington instructions said the States were still in charge, with the New York office purely advisory in capacity; others that the New York office was in the saddle. There was confusion about the status of the Third Corps Army Area, which had different geographic boundaries, and some authority over many of the questions.

The real troubles of OPA dated from this take-over, which had all the earmarks of a political coup by the New Deal bureaucrats at Washington. Local board members resigned singly and en masse. Voluntary help—school staffs, unpaid recruits from patriotic organizations, etc.—were presently displaced for a gigantic paid staff hired by some mysterious hocus-pocus which, however it worked, never drew any protests from Democratic campaign committees.

Scandals, charges of favoritism, and hints of corrupt practices began at once. Industrial concerns soon found it expedient to employ Washington representatives. Building materials were much too scarce for the ordinary person to build a home or enlarge his building, yet available for those with the right contacts to build racing tracks, new taprooms, and the like.

Those who at the top took over the voluntary system of price controls and rationing were mainly disciples of socialism and the new order. Presently it developed that the controls were to be used in an effort to put across a social revolution along communistic lines.

Price controls were used not to prevent outright profiteering, as at first intended, but to redistribute wealth—just as Marx and Lenin and Stalin preached. Presently any profit was being construed as mischievous, and prices were held down to prevent them.

Thereby arose another great stumbling block on which OPA tripped. It presently became obvious that the things which OPA concentrated on became scarcer and scarcer, while other articles, which OPA had overlooked, continued available at prices which, considering the rise in all costs, were not exorbitant.

The shortages in sugar, gasoline, and rubber—three of the most disturbing scarcities—might have been relieved within a year to a year and a half, under efficient management. They continued throughout the war, and were worse after a couple of years of OPA than when OPA was created.

OPA went into politics, trying to keep Congress from clamping down on its abuses. Impressive publicity staffs were hired, radio orators were put to work, there were tie-ins with liberal groups of all kinds, including the bosses of the CIO and PAC. For months the country seethed with the OPA issue. Congress and the people were determined to do away with it at the first opportunity; the OPA itself preached, over and again, the idea of how much it would like to be made a permanent part of our Government.

About a year ago, the OPA fight broke wide open. The CIO chiefs talked President Truman into vetoing a compromise bill decontrolling OPA over a period of months. After several weeks in which there was no OPA, a new OPA bill was passed. This the President hailed as about what he wanted, and he signed it; but it was so hopelessly muddled, both in the law itself and its enforcement, that shortly before the November election President Truman, in desperation, wiped the bulk of the controls out of existence.

Since then OPA has operated on borrowed time. Its once gigantic staff has largely been reabsorbed in congenial jobs in other, less controversial Federal bureaus. Its few remaining powers have been parcelled out elsewhere.

Saturday, officially, it came to an end.

And with its passage dies the bureau which made the most serious and hardest fight yet attempted to throw the American free economy into a collectivist dictatorship.

Its epitaph can be short and sweet: "Good riddance."

EXTENSION OF REMARKS

Mr. JOHNSON of Indiana asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. AUCHINCLOSS asked and was given permission to extend his remarks in the RECORD and include an address by Mr. HERTER, of Massachusetts.

Mr. LATHAM asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. TWYMAN asked and was given permission to extend his remarks in the RECORD in two instances.

THE STRANGE WAYS OF THE WAR ASSETS ADMINISTRATION

Mr. BUCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BUCK. Mr. Speaker, a manufacturer from the district I represent wrote me as follows on May 26 with regard to sales methods of War Assets Administration:

When our representative was down in Philadelphia a few days ago for the opening of bids, they were offering for sale buckles and slides. One bidder interested only in the buckles offered $2.85; another bidder offered $1.90 for the buckles and slides.

Inasmuch as the $2.85 bid was not in accordance with the proposal, it was thrown out and the award made to the $1.90 bidder;

however, the higher bidder protested with the result that all bids were canceled and a new invitation resulted in the lot being sold—that is, both buckles and slides—at $2 per thousand.

Apparently, Mr. Speaker, we hope for too much when we hope for horse sense on the part of the bureaucrats charged with the administration of our governmental functions.

The same constituent has drawn my attention to the fact that the Louisville, Ky., office of War Assets Administration advertised a sale to open on May 23, 1947, of an item of hardware at the very moment when the Army Quartermaster Depot at Philadelphia was receiving bids on a lot of 1,000,000 of an identical article.

Alas, the poor taxpayer.

AMENDING VETERANS' PREFERENCE ACT OF 1944

Mr. ALLEN of Illinois, from the Committee on Rules, reported the following privileged resolution (H. Res. 231, Rept. No. 512), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1389) to amend the Veterans' Preference Act of 1944. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. HORAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a statement I made before the Committee on Public Works this morning.

The SPEAKER. Without objection, the extension may be made.

There was no objection.

Mr. BOGGS of Louisiana asked and was given permission to extend his remarks in the RECORD in two instances, to include in one an editorial appearing in the New Orleans States, and in the other an address by Mr. Salon B. Turman.

Mr. RIVERS asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the board of directors of the National Oil Marketers Association.

MILITARY POSTS

Mr. O'TOOLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'TOOLE. Mr. Speaker, any effort to take strength from or lower the efficiency of the War Department at the present time would be the most serious mistake that this Congress could make. I believe every effort should be made to make the Army a more formidable group than it is at the present moment. This can be done and at the same time a greater degree of efficiency can be achieved by the suggestion that I am about to make.

Let the War Department immediately abolish the hundreds of obsolete military posts and Coast Artillery installations that no longer serve any useful purpose. Let the entire Army in the United States be placed in five or six now available gigantic cantonments where they could be grouped and trained as brigades and divisions. Under this plan Quartermaster Corps, Field Artillery, Infantry, Engineers, Signal Corps, and other branches which comprise the modern Army could train and work together. This is not possible now. In some cases battalions of the same regiment are separated by as much as 200 miles and never receive an opportunity to work and drill with the other groups comprising their outfit. It would prepare officers of the upper level for the task of handling large numbers of men. It would make possible the everyday study of tactical problems, and it would above all develop a feeling of strength and a far better esprit de corps than exists today. At the same time that a finer training was being given to our Army, the taxpayers would be saved hundreds of millions of dollars a year because of the concentration of these forces and the abandonment of useless posts.

INDIA'S FREEDOM

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, fast and furious history is being made in India. Great Britain has offered a solution to the political difficulties of India and has suggested the division of India into two countries, Pakistan and Hindustan, the latter to comprise most of the 310,000,000 Hindus and the former to comprise of approximately 90,000,000 or less Moslems. It is interesting to note, and very creditable also, that the Indian leaders have accepted the solution, that Britain will get out and transfer power to the Indians this summer. Leaders Nehru for the Hindus and Singh for the Sikhs and Jinnah for the Moslems have all shown great statesmanship in the acceptance of this latest British proposal. It should prevent much shedding of blood. We are vastly interested in the 400,000,000 Indians. There are great possibilities of enhanced trade between the United States and India, and it points up the need for the setting up of a commission to consummate eventually a treaty of peace, commerce, and navigation with either one India or two Indias. We have sent an Ambassador to India, which indicates our vast interest in this great domain, and if there are to be two countries, we may have to send another Ambassador. But, in any event, we should focus our attention to a great degree upon India, because we are losing much if we do not do so.

We can gain, India can gain from a better mutual understanding—both can gain culturally, spiritually, commercially, and economically.

Too little, unfortunately, is known by each of the other. Most Americans still think of India as a land of minarets and performers of the rope trick. Indians in the main look upon Americans as rough cowboys and bathing beauties.

Although I deem Pakistan a mistake, yes, and a rank appeasement of Jinnah; if that is what India wants, let her have it. In my humble opinion Pakistan and Hindustan will only deepen the cleavage between Hindus and Moslems. Pakistan would roughly comprise the Provinces of Bengal and Assam in the northeast and Punjab Sind, Baluchistan, and North-West Frontier—all in the northwest. Thus Pakistan would be like two arms without a body. It could not exist as a nation. Then again the Hindus and Sikhs are demanding and will get a further partition in these Provinces, especially Bengal and Punjab. Thus Pakistan will be a truncated Pakistan. But if that is the way to peace, so be it. India, all of it, has our blessings.

EXTENSION OF REMARKS

Mr. KENNEDY asked and was given permission to extend his remarks in the RECORD in two instances, and include in one three resolutions from his district supporting the Wagner-Ellender-Taft bill, and in the other a letter from the Cambridge Committee for a Living Wage.

Mr. BUCHANAN asked and was given permission to extend his remarks in the RECORD and include an editorial from the New York Times.

Mr. HUGH D. SCOTT, JR., asked and was given permission to extend his remarks in the RECORD and include an article by George Sokolsky appearing in today's Times-Herald in connection with the proposed increase in the postal rates.

Mr. ANGELL asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. REES asked and was given permission to extend his remarks in the RECORD and include a newspaper statement.

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in two instances and in one to include a magazine article.

Mr. HOPE asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. RANKIN. Mr. Speaker, on yesterday afternoon I was granted permission to extend my remarks in the RECORD and include certain extraneous matter. I stated that it exceeded the two pages of the RECORD permitted, but was granted permission to insert it regardless of that fact. However, the Public Printer informs me that I have to submit the amount, which is $449.67. I ask unanimous consent that this article may be

printed regardless of the fact that it exceeds the limit.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

TERMINAL-LEAVE PAYMENTS

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I hold in my hand today an armed forces leave bond which was issued to me as an enlisted man of the armed forces after the late war, the same as was issued to other enlisted personnel of the armed forces. Many of you have probably never seen one of these bonds but it is, as so stated on the back, nonnegotiable and nonassignable except to the Administrator of Veterans' Affairs to be used in payment of premiums, loans, and interest on national service life insurance.

I wish to compliment this House on passing a bill last year to make these bonds payable in cash, and am sorry the other body did not see fit to concur.

Many of our soldiers are now going through a period of readjustment. They are in school, or making an attempt to get started in business or to establish a home. It is very important at this time that they have the use and benefit of these bonds because they feel, and I feel, that the bonds will be needed more right now than 5 years from now, and those who wish to save the bonds will be permitted to do so but the average American GI feels that this whole matter of terminal leave pay was a discrimination against him and a violation of the principles for which he fought. They were led to believe that they were fighting for democracy, for equal rights for all people, and against discrimination in any form.

These GI's feel that it is the duty of this Congress to make these bonds negotiable in order that if they so desired they may obtain cash which they can use to make payments on furniture in their homes, on their homes, or to be used in furthering their education or getting started on some farm. I believe that the GI's of America have a just cause to carry before this Congress and I think these bonds should be made negotiable now. Therefore, I advocate the passage during this session of the Congress of the Rogers bill, H. R. 3521.

SPECIAL ORDER GRANTED

Mr. HUGH D. SCOTT, JR. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TWO GREAT VICTORIES FOR CHRISTIAN NATIONS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I did not quite understand the hysterical references of the gentleman from New York [Mr. CELLER] to what is taking place in India; but I do know that two things took place in the world on yesterday that are most encouraging to the Christian nations of the earth, and most discouraging to the communistic elements throughout the world.

One of them was the announcement by President Truman of the settling of our alleged differences with Argentina, that great South American country, with which we have been at odds because of certain Communist elements trying to stir up trouble for us in South America. In announcing that settlement President Truman issued the following statement:

The Argentine Ambassador, who has just returned from Argentina, reviewed with the President and the Secretary of State the steps which his Government has taken and is continuing to take in fulfillment of its commitments undertaken in the Final Act of the Inter-American Conference on Problems of War and Peace. He expressed the view of his Government that no obstacle remained to discussions looking toward the treaty of mutual assistance contemplated by the Act of Chapultepec. The President indicated his willingness to renew the consultations with the Governments of the other American republics initiated by the United States memorandum of April 1, 1946, on this subject.

Another one was the settling of the differences between the British Empire and the various factions in India, a solution which seems to be satisfactory to them all, and which will be most distasteful to the Communists who are trying to use India to stir up trouble for Great Britain.

At this point I am inserting the statement of Prime Minister Clement R. Attlee announcing the settlement. It reads as follows:

LONDON, June 3.—The text of Prime Minister Clement R. Attlee's statement on the British plan for Indian self-rule:

"I desire to make an important statement on Indian policy. A similar statement is being made at the same time in the House of Lords and by the Viceroy in New Delhi. The statement, in the form of a white paper, will be available this afternoon.

"I am glad to inform the House that the plan contained in the announcement which I am about to make, including the offer of dominion status to one or two successor authorities, has been favorably received by all three parties represented at the conferences held by the Viceroy with Indian leaders during the past 2 days.

"Before making the statement I would like to express the gratitude and appreciation of the British Government of the great services which the Viceroy has rendered.

"1. On February 20, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to cooperate in the working out of the cabinet mission's plan of May 16, 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled."

MOSLEMS HOLD ALOOF

"2. The majority of the representatives of the provinces of Madras, Bombay, United Provinces, Bihar, Central Provinces, and Berar, Assam, Orissa, and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new constitution. On the other hand, the Moslem League Party, including in it a majority of representatives of Bengal, the Punjab, and Sind, as also the representative of British Baluchistan, has decided not to participate in the constituent assembly.

"3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below.

"His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

"4. It is not the intention of His Majesty's Government to interrupt the work of the existing constituent assembly. Now that provision is made for certain provinces specified below, His Majesty's Government trust that as a consequence of this announcement the Moslem League representatives of those provinces, a majority of whose representatives are already participating in it, will now take their due share in its labors."

BEST PRACTICAL METHOD

"At the same time it is clear that any constitution framed by this assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their constitution is to be framed:

"(a) In the existing constituent assembly; or

"(b) In a new and separate constituent assembly consisting of the representatives of those areas which decide not to participate in the existing constituent assembly.

"When this has been done it will be possible to determine authority or authorities to whom power should be transferred.

"5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one representing the Moslem majority districts and the other the rest of the Province. For the purpose of determining the population of districts the 1941 census figures will be taken as authoritative. The Moslem majority districts in these two Provinces are set out in the appendix to this announcement."

WILL VOTE ON PARTITION

"6. The members of the two parts of each legislative assembly, sitting separately, will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favor of partition, division will take place and arrangements will be made accordingly.

"7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which constituent assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united.

"Therefore, if any member of either legislative assembly so demands, there shall be held a meeting of all members of the legislative assembly (other than Europeans) at which a decision will be taken on the issue as to which constituent assembly the Province as a whole would join if it were decided by the two parts to remain united.

"8. In the event of partition being decided upon, each part of the legislative assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt."

TO SIT IN TWO PARTS

"9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Moslem majority districts (as laid down in the appendix) and non-Moslem majority districts. This is only a preliminary step of a purely temporary nature, as it is evident that for the purposes of final partition of these provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either province, a boundary commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Moslems and non-Moslems. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal boundary commission. Until the report of a boundary commission has been put into effect, the Provincial boundaries indicated in the appendix will be used.

"10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above."

EXCEPTIONAL POSITION

"11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing constituent assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

"12. British Baluchistan has elected a member but has not taken its seat in the existing constituent assembly. In view of its geographical situation, this province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor General is examining how this can most appropriately be done."

REFERENDUM ON SYLHET

"13. Though Assam is predominantly a non-Moslem province, the District of Sylhet, which is contiguous to Bengal, is predominately Moslem. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Moslem part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet District, under the aegis of the governor general and in consultation with the Assam Provincial Government, to decide whether the District of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new province of Eastern Bengal, if that province agrees. If the referendum results in favor of amalgamation with Eastern Bengal, a boundary commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Moslem majority areas of Sylhet District and contiguous Moslem majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will, in any case, continue to participate in the proceedings of the existing constituent assembly."

FRESH ELECTIONS REQUIRED

"14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet mission's plan of May 16, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this District should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

Province	General	Moslems	Sikhs	Total
Sylhet District	1	2	0	3
West Bengal	15	4	0	19
East Bengal	12	29	0	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

"15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing constituent assembly or form a new constituent assembly.

"16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon:

"(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including defense, finance, and communications.

"(b) Between different successor authorities and His Majesty's Government on treaties in regard to matters arising out of the transfer of power.

"(c) In the case of Provinces that may be partitioned, as to administration of all Provincial subjects such as the division of assets and liabilities, the police and other services, the high courts, Provincial institutions, etc.

"17. Agreements with tribes of the northwest frontier of India will have to be negotiated by the appropriate successor authority."

STATES POLICY UNCHANGED

"18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy toward the Indian States contained in the Cabinet mission memorandum of May 12, 1946, remains unchanged.

"19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all of the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently, as far as practicable within the conditions of this plan, the existing constituent assembly and the new constituent assembly (if formed) will proceed to frame constitutions for their respective territories; they will, of course, be free to frame their own rules.

"20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a dominion status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of Indian constituent assemblies to decide in due course whether or not the part of India in respect to which they have authority will remain within the British Commonwealth.

"21. His Excellency the Governor General will, from time to time, make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements."

APPENDIX

Moslem majority districts of Bengal and the Punjab according to the 1941 census:

Bengal, Chittagong Division: Chittagong, Noakhali, Tippera; Dacca Division: Bakarganj, Dacca, Faridpur, Mymensingh; Presidency Division: Jessor, Murshidabad, Nadia; Rajshahi Division: Bogra, Dinajpur, Malda, Pabna, Rajshabi, Rangpur.

Punjab, Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot; Rawalpindi Division: Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur; Multan Division: Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

Former Prime Minister Winston Churchill congratulated Mr. Attlee on this agreement.

It seems that the settlement is satisfactory also to the various factions in India as will appear from the following excerpts from radio addresses delivered in New Delhi by their respective leaders. The matter referred to follows:

NEW DELHI, INDIA, June 3.—Following are excerpts from the radio addresses tonight of the Viceroy, Viscount Mountbatten, Pandit Jawaharlal Nehru, representing the Congress party, Mohammed Ali Jinnah, representing the Moslem League, and Sardar Baldev Singh, representing the Sikh community, concerning the British proposals in respect to India.

VISCOUNT MOUNTBATTEN

"With a reasonable measure of good will between the communities a unified India would have been the best solution. It is regrettable that it has been impossible to attain agreement on any plan preserving unity.

"But there can be no question of coercing any large areas in which one community has a majority to live against their will under a government in which another community has the majority—and the only alternative to coercion is partition.

"But when the Moslem League demanded the partition of India, the Congress party used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable. And so I felt it was essential that the people of India themselves should decide this question of partition.

"The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two governments is set up in the statement which will be read to you.

"The whole plan may not be perfect; but like all plans its success will depend on the spirit of good will with which it is carried out. I have always felt that once it was decided in what way to transfer power, the transfer should take place at the earliest possible moment. But the dilemma was that

if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly if partition were decided upon.

"The solution to this dilemma which I put forward is that His Majesty's Government should transfer power now to one or two Governments of British India, each having dominion status, as soon as the necessary arrangements can be made. This, I hope, will be within the next few months.

"I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session.

"I wish to emphasize that this legislation will not impose any restriction on the power of India as a whole or of the two new states if there is partition, to decide in the future their relationship to each other and to the other member states of the British Commonwealth.

"Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible."

PANDIT JAWAHARLAL NEHRU

"I am speaking to you on a historic occasion when a vital change affecting the future of India is before us.

"The British Government's announcement lays down the procedure for self-determination in certain areas of India.

"It envisages on the one hand the possibility of these areas seceding from India and on the other it promises a big advance toward complete independence.

"Such a big change must have the full concurrence of the people before it is effected, for it must always be remembered that the future of India can only be decided by the people of India and not by any outside authority, however friendly.

"We have therefore decided to accept these proposals and to recommend to our larger committees that they do likewise.

"We shall seek to build anew our relations with England on a friendly and cooperative basis, forgetting the past which has lain so heavily upon us.

"It is with no joy in my heart that I commend these proposals, though I have no doubt in my mind that this is the right course.

"For generations we have dreamed and struggled for a free and independent united India.

"The proposal to allow certain parts to secede if they so decide will be painful for any of us to contemplate.

"Nevertheless I am convinced our present decision is right even from the larger viewpoint.

"The united India we labored for was not one of compulsion and coercion, but a free and willing association of free people.

"It may be that in this way we shall reach a united India sooner than otherwise and that she will have a stronger and more secure foundation.

"Let us bury the past insofar as it is bad, and forget all bitterness and recriminations.

"Let there be moderation in speech and writing, let there be strength and perseverance and endurance in the cause we have at heart.

"Let us face the future, not with easy optimism or complacency or weakness, but with confidence and firm faith in India.

"There has been degrading violence in various parts of the country. That must end. We are determined to end it. Political ends are not to be achieved by methods of violence.

"On this eve of great changes in India we have to make a fresh start, with clear vision and a firm mind, with steadfastness and tolerance and with a stout heart."

MOHAMMED ALI JINNAH

"On the whole the reaction of Moslem League circles in Delhi has been hopeful.

"We have examined the British Government's statement cooly, wholly, and dispassionately. We have to take momentous decisions and have very big issues facing us in the solution of this complex political problem of this great subcontinent, inhabited by 400,000,000 people. It is a most onerous and difficult task.

"Therefore we must galvanize and concentrate all our energies to see that the transfer of power is effected in a peaceful and orderly manner.

"It is clear that the plan does not meet in some important respects our point of view, and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the plan.

"It is for us now to consider that the plan as presented to us by the British Government should be accepted by us as a compromise or a settlement.

"On this point I do not wish to prejudge the decision of the council of the All-India Moslem League which has been summoned to meet on Monday, June 9.

"In view of the projected referendum in the North-West Frontier Province, the Provincial Moslem League there has been requested to call off the movement of peaceful civil disobedience which they had perforce to resort to.

"Moslem League leaders and Moslems generally are now called upon to organize our people to face this referendum with hope and courage. We have confidence that the people of the North-West Frontier Province will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

"I feel that the Viceroy has battled against various forces very bravely, and he has left the impression on my mind that he was actuated by a high sense of fairness and impartiality.

"It is up to us now to make his task less difficult and help him as far as it lies in our power in order that he may fulfill his mission of the transfer of power to the peoples of India in a peaceful and orderly manner.

"I appeal to every community in India and especially to the Moslems to maintain peace and harmony.

"We must examine the plan, its letter and spirit, and come to our conclusion. It is for us to consider whether this plan as presented to us by His Majesty's Government will be accepted by us."

SARDAR BALDEV SINGH

"It would be untrue if I were to say that we are altogether happy. Seldom perhaps has a fulfillment like this been reached with so much fear and sorrow.

"Our common quest for freedom need never have divided and torn us asunder one from the other.

"This has actually taken place. The shadow of our differences has thrown its gloom over us. We have let ourselves be rent apart. We witness today, even on the day of our freedom, scenes of mutual conflict and horrors in so many parts of India.

"Neighbor has risen against neighbor; thousands of innocent lives have been lost; men, women, and children are roaming from one place to another homeless and without shelter.

"Untold losses, financial, cultural, and spiritual, have been inflicted in wide areas. We look as if we are a house divided against itself. The day indeed finds us an unhappy people.

"It is not necessary for me today to go into the reason for this affliction. We each have our faults.

"The plan that has now been announced steers a course obviously above the conflicting claims.

"It is not a compromise. I prefer to call it a settlement.

"It does not please everybody, not the Sikh community anyway, but it is certainly something worth while. Let us take it at that.

"We must not forget that we have no authority to let party disputes afflict our people now that we shall be masters in our affairs.

"We have big tasks, big and small, of reconstruction on our hands. Let us remember that it is only when the minds of our leaders are not deflected by internal quarrels that they can effectively handle these tasks for the common good.

"Our people have many needs that have remained unmet for years. Let us settle down to meet these needs and relieve the distress that haunts us.

"Whatever our own preferences, let us guard against a petty outlook and work together to set our country on the way to the greatness that certainly belongs to it.

"I believe with all my heart that the divisions that tend to keep us apart now will not last long. The very blueprint of our plans, so soon as we view it with care, will bind us together. Let us concentrate on common interests.

"During the last few weeks, large contingents of foreign troops have been deployed in various parts of the country to aid the civil government.

"These troops consist of trusted men, and they will give help to those in need and act also as the stern keepers of peace in the troubled areas. I want you to look upon the soldier as your friend.

"You, our soldiers, sailors, and airmen obviously are not uninfluenced by the great events that are taking place in India today. You will undoubtedly not allow yourselves to be needlessly perturbed. Your interests will in no circumstances be allowed to suffer."

Mr. Speaker, these developments seem to mark a turning point in world affairs, which may lead to an era of lasting peace.

To say the least, they constitute a victory for the Christian nations of the earth over the forces of atheistic communism throughout the world.

The SPEAKER. The time of the gentleman from Mississippi has expired.

ELECTION TO COMMITTEE

Mr. HALLECK. Mr. Speaker, I offer a resolution (H. Res. 232) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That ALVIN F. WEICHEL, of the State of Ohio, be and he is hereby, elected chairman of the standing committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OLD-AGE ASSISTANCE PAYMENTS

Mr. HOPE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the further consideration of the bill (S. 1072) to extend until July 1, 1949, the period during which income from agricultural labor and nursing services may be disregarded by the States in making old-age assistance payments without prejudicing their rights to grants-in-aid under the Social Security Act, and that the bill be referred to the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AVIATION ACCIDENTS

Mr. ROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSS. Mr. Speaker, on Monday I charged the Civil Aeronautics Authority with gross carelessness with respect to the United Airlines accident which occurred at LaGuardia Field.

I want to quote from an article by Gill Robb Wilson, aviation writer for the New York Herald Tribune. He says, in part:

The LaGuardia Field disaster is but another illustration of fundamental lack of eternal vigilance in air safety. I attribute that crash to the basic inadequacy of the north-south 3,533 foot runway for operation of very heavy four-engined aircraft.

Considering the load of the DC-4 which came to disaster, and the length of the runway, its use under any except high-velocity south-wind conditions constitutes a borderline operation. The take-off attempted hued too close to the line of the law and was scantily justified by the dictates of practical operating procedures. This does not constitute the kind of rigid vigilance expected from operators and authorities.

How close the use of this runway by four-engine planes is to the border line of safety is attested by the fact that one air line will not permit take-off upon it under any conditions by a DC-4 whose gross weight exceeds 55,000 pounds.

NEGLECT BRINGS GRIMNESS

The whole affair sums up, in the writer's judgment, as another illustration of those historic tolerations which have plagued aviation history. Sometimes it is a short runway, sometimes a hazard like the late gas tank that loomed in the path of aircraft near Chicago, or the tank still tolerated at Detroit, or other compromising conditions at many airports. Always eventually the answer is the same—tragedy.

Aviation is not so grim by far as these compromises make it appear. We make it grim by neglect of fundamentals such as use of a short runway strip by four-engined aircraft at the world's most important terminal.

Mr. Speaker, I contend that a thorough investigation will prove that proper safeguards and precautions were not taken, and that this accident is directly chargeable to the agency which permitted a regulation whereby an employee in the control tower could send a plane of that weight and size out on a runway which was of inadequate length. I understand that a committee of the House of Representatives is going to sit in with the CAB in their investigation.

I strongly want to urge that this committee broaden their investigation to include the entire safety regulation and inspection set-up of the CAA and CAB.

FOREIGN COUNTRIES HAVE PRIORITY OVER AMERICAN VETERANS

Mr. RIZLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RIZLEY. Mr. Speaker, I doubt very much if you gentleman who voted for the Greek-Turk loan bill realized that by doing so you gave a superior priority over all existing priorities now contained in the Surplus Property Act that we provided for veterans and our own departments of government.

I received today a letter from the general counsel of the War Assets Administration, Col. Larson, advising that both the State Department and the War Assets Administration had so construed the Greek-Turk Act as giving the provisions of that act affecting Surplus War Assets priority over veterans and everyone else in the present Surplus Property Act, for whom we provide priorities. In other words, the State Department and the President by Executive order can requisition surplus property in this country today and supersede priorities of veterans and others and send the property to Turkey or Greece.

OPA SAVED $100,000,000,000 IN COST OF WAR

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the OPA has been mentioned here this morning. I know it was a very unpopular agency with a lot of people but I know that if it had not been for the OPA during the war the cost of the war alone would have been $100,000,000,000 more. In other words, if it had not been for the OPA our war debt today would be at least $360,000,000,000 instead of $260,000,000,000. That is not considering the amount saved by the American people as consumers. It also helped to win the war. Workers will not work for worthless dollars. You have to protect their dollars to keep them working. That is what the OPA did during the war. Although it was regimentation and we did not like it, we submitted to it during the war with the expectation of getting rid of it just as quickly as possible after the war. We removed some controls too soon. We saved through OPA $100,000,000,000 on the national debt. From the time World War II started until it was over the price of steel and many other materials which were the largest factors in war cost did not increase one penny a ton in price. We can easily determine how much was saved on the war cost and the $100,000,000,000 estimate is conservative.

EXTENSION OF REMARKS

Mr. JONES of North Carolina asked and was given permission to revise and extend his remarks in the RECORD and include an editorial.

THE OPA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, when the gentleman from Texas stands up and makes such blatant assertions as he did a moment ago, he is simply talking about something that he cannot substantiate. Nobody can prove a figure or statement such as he just made. It sounds like Wallace, Bowles, or Mrs. Roosevelt; they were always making similar claims. I want to call to your attention that it is this gang who are hollering and bellyaching about doing away with the OPA and controls who today are offering resistance to every dollar that we are trying to save in this Government. They are a group of habitual, chronic, reckless spenders of public funds. They understand only deficit financing, and always place votes above the public welfare or our security. It does not make any difference what proposition comes along, proposed by the Republican side, to save a dollar, we meet this violent resistance on the other side of the aisle—the same old crowd that is bellyaching because the gravy train is stopping for them. If we would continue to be a great nation, we must remain solvent; and if we would continue to wield influence throughout the world, we must remain strong and united. It is about time that the Democrats of the House and the Democratic organization begin to get down to sound economy and sound practice and stop offering resistance every time we try to save a few dollars. We find the administration working through the Post Office Department, through the United States customs office, and through the Agriculture Department. Every agency of the Federal Government is lobbying, turning on the heat against Republican economy.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GROSS] has expired.

OLD-AGE RETIREMENTS

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAMEY. Mr. Speaker, the word "pension" is often misused. A pension is a gratuity. To be the recipient of retirement pay is not to receive a pension. The postal clerk, the Congressman, the judge, or Government worker who pays into a fund out of his earnings is, of course, not the recipient of a gratuity.

However, he has had a job and the opportunity to create a security for a future day in order that he may have maintenance and sustenance.

Two years ago I was one of the 39 who did not support the congressional retirement-pay plan. Not that I believed it was unjust, but it was my conviction that any retirement-pay plan should be extended to all the masses and not just to certain classes.

Let any retirement pay be equal and alike for all. Thus excessive bookkeeping and inspection could be eliminated. Everyone could be taken care of with much less expense than is now encountered under our haphazard old-age retirement system, which fails to cover many of our citizens.

May I suggest to all Members that you assist the Ways and Means Committee in working out this belated legislation and give such assistance as is necessary to

H. R. 16. Should there be suggestions for amendments, let them be submitted to the committee now.

The SPEAKER. The time of the gentleman from Ohio has expired.

EXTENSION OF REMARKS

Mr. LODGE asked and was granted permission to extend his remarks in the Appendix of the RECORD and include a speech he recently made.

Mr. JAVITS asked and was granted permission to extend his remarks in the RECORD and include Memorial Day speeches.

Mr. MAHON asked and was granted permission to include certain brief tables and excerpts in the remarks he will make today in Committee of the Whole.

REPEALING CERTAIN PROVISIONS OF PUBLIC LAW 388

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3203, an act relative to maximum rents on housing accommodations, to repeal certain provisions of Public Law 388, Seventy-ninth Congress, and for other purposes, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]? [After a pause.] The Chair hears none and appoints the following conferees: Mr. WOLCOTT, Mr. GAMBLE, Mr. KUNKEL, Mr. TALLE, Mr. SPENCE, Mr. BROWN of Georgia, and Mr. PATMAN.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I just made and include a statement issued by the White House yesterday and also statements issued in London and in India on the question involved.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1948

Mr. RICH. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H. R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other purposes, all points of order against title II of said bill or any provisions contained therein are hereby waived.

Mr. RICH. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. SABATH].

I yield myself such time as I may desire.

Mr. Speaker, this resolution waives all points of order against title II of H. R. 3678.

I can say nothing more than that this legislation under title II only takes away from the War Department the sum of $1,100,000,000, which was appropriated during 1946 and prior years. It is money that has not been accounted for in the spending for future Army needs previous to 1947, and there is no reason why, with the great national debt we now have, the Congress should not in every way save every dollar it possibly can. It is within the power of the Congress to take money already appropriated to any department of Government and say to them that no department of the Government may spend money appropriated and not allocated nor unexpended at this or any future time. I feel, therefore, that every Member of the House will concur in the request of the Appropriations Committee to have these funds impounded and retained in the Treasury. It looks as though Congress did not act in accordance to wise and judicial spending of moneys in 1946 and prior years.

Mr. Speaker, I now yield to the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, this rule again waives points of order on legislation on an appropriation bill. The only difference between the usual request of the Appropriations Committee for such a rule is that whereas as a general thing this type of rule waives points of order against legislation increasing appropriations, in this instance the reverse is the case, and the effort is to save money that the War Department could not expend from the 1946 appropriations. The amount they have been unable to get rid of in this instance amounts to $1,100,000,000.

Some will claim that the Republican Party is saving this much money. The facts are, Mr. Speaker, however, that in the last Congress we passed rescission bills amounting to $64,000,000,000. We did not, however, claim any credit for saving that amount of money; we merely provided that that amount of money which had been appropriated but not expended should remain in the United States Treasury.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. CASE of South Dakota. I think the gentleman has the idea correctly—that this is a continuation of the rescission program.

Mr. SABATH. That is correct.

Mr. CASE of South Dakota. These appropriations were not 1946 appropriations but 1946 and prior years; and as part of the recapture of money which had been appropriated for the prosecution of the war, which money, it developed, was no longer needed. Much of this is represented by money which had been made available to various theater commanders all over the world and the reports have come back to the central part of the War Department that they no longer need the money.

Mr. SABATH. That is correct; it is money that the War Department could not spend.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield for a question.

Mr. MAHON. Is it not true that the rescission here provided for, which we all favor, is in no way comparable to the $33,000,000,000 rescission made in War Department funds last year?

Mr. SABATH. It was $64,000,000,000, in all, from the War Department, Navy, and Maritime Commission—from every agency which had received emergency war appropriations.

Mr. MAHON. Is it not true that those rescissions are not comparable by reason of the fact that those funds rescinded last year represented live money which could be expended for any obligation of the War Department or for any program of the War Department for which the money had been appropriated, and that money would remain live money until the end of the fiscal year; that is, June 30, 1947; whereas this rescission today is for money that was previously appropriated in 1946 and prior years and cannot now be used for regular obligations of the War Department as would have been the case of the billions rescinded last year?

Mr. SABATH. The gentleman is correct.

Mr. MAHON. I should like to say to the gentleman, in order to keep the record straight, neither side of the aisle claims this is a saving. If the gentleman will read the report and read the remarks made on the bill, he will find nobody claims this is a saving. The reduction in this bill is under the budget by $475,000,000. I thank the gentleman for yielding.

Mr. SABATH. I thank the gentleman for his explanation.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Georgia.

Mr. COX. I think the gentleman is correct in the statement he has thus far made. Nobody is seeking to claim any political advantage as a result of the action that may be taken on this bill. The gentleman should take care to make clear that this bill takes from the War Department not a dime it needs for the carrying on of any program that it has set up or may set up.

Mr. SABATH. Again I thank the gentleman for his explanation. I am fully aware of the fact that the report does not claim any credit, but knowing the gentlemen on my left, my friends, the Republicans, I know they will claim that they are saving millions and billions of dollars, and I want to make it clear that that money has not been expended and that the War Department cannot expend it. This merely provides that it shall remain in the Treasury and cannot be spent for something that is not necessary.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Pennsylvania.

Mr. RICH. The fact of the matter is that the lavish spending that we had previous to 1946 and for a number of years thereto that got us into this great debt we are in now and which we are trying to pay off means that we do not want to leave any money in the hands of any department of Government that is not absolutely necessary for that department. It is only good sound business to retain it in the Treasury in order that some day we may be able to balance the budget and pay off this huge debt.

WE MUST AVOID WAR

Mr. SABATH. I am indeed immensely pleased that I can agree with the gentleman from time to time. I agree with him now that we should endeavor to bring about a reduction in our tremendous debt which was brought about by the terrible war. I hope every effort will be made on the part of each Member of this House and every citizen in the United States to avoid another war, although there are many who through their talk and actions are trying to force upon this Nation another war, so costly not only in money but in human lives. The money we will be able to repay, especially if you gentlemen will not reduce the taxes, and will use that money that you are trying to give to the big taxpayers toward repaying and reducing the public debt. The lives we can never repay, nor can we make up for the world-wide misery and destruction.

That is the reason I opposed the tax bill. That is the reason I feel it was unfair and unjustifiable to reduce the taxes to the big profiteers and the people that have made millions of dollars out of the war, and otherwise, due in part to legislation that they forced through the Congress. So, I feel it would be in the interest of the Nation that the surplus should be utilized, not to reduce the taxes on the wealthy, but to reduce the great debt that we incurred due to the war.

WHO WON THE WAR?

I am beginning to wonder whether we actually won this war we fought mainly for the eradication of fascism and nazism. Today they are rebuilding their war plants in Germany, and reestablishing their powerful cartels, the leaders of which were instrumental in encouraging and helping to finance Hitler and Mussolini and their armies.

Evidence is now coming to light every day showing that, notwithstanding our efforts to denazify Germany, she is rebuilding her steel plants and her vast chemical industries; and many of these plants, I understand, are being rebuilt with money advanced by Great Britain, no doubt out of the $3,250,000,000 we loaned to Great Britain.

I fear there is no one here on this floor who will live long enough to see that debt repaid.

I feel that when the time comes for payment even of the small interest we will again be called Shylocks as we were after the First World War.

GLAD TO GET OUR CLUTCHES ON THAT BILLION

I am not going to detain you very long, but I am mighty pleased to support this rule and the provision of the bill to put our clutches on that $1,100,000,000 so the War Department cannot spend it. I feel that if the committee had had all the facts, instead of $1,100,000,000 we could have rescinded perhaps between three and four billion dollars. There is a lot of money that has not been as yet used, but all the ingenuity of the gentlemen in the War Department that do the buying and spending and contracting will be devoted to devising ways to expend all of the money which they secured from Congress through the liberal Committee on Appropriations. It has been my experience that in the months of May and June these gentlemen in the War Department, yes, and the Navy Department, and other departments, worry themselves sick when they see that there is an unexpended balance, and their desire is to spend that unexpended balance which has been placed to their credit. So, I hope the Committee on Appropriations will continue to bring in rescission bills, and I assure them that I, for one, shall gladly support any rule waiving points of order that will save the Treasury and save the American taxpayer additional burdens.

Feeling that most of you gentlemen are ready to proceed with the consideration of the bill, I shall not detain you any longer.

Mr. RICH. Mr. Speaker, I have no request for time.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, as has been pointed out, there is nothing controversial about this rule. I think we all favor this $1,100,000,000 rescission. I do think that there are some legislative provisions, at least one, in the bill that probably is not sound. That is in regard to a revolving fund which will be established in the Ordnance Department by a legislative provision in the bill which will more or less cause Congress to lose control of those funds because they will be subject to expenditure through the revolving fund rather than by direct appropriations by Congress. I realize that this rescission matter is somewhat complicated and that probably most Members are not greatly concerned about it, especially since no money is being saved by this procedure. Ordinarily we would not bring in a rescission bill in a case like this. The money involved has never been taken out of the Treasury. It is there now, and we just provide that it shall remain there.

The money provided in most of the appropriation bills is not totally expended by the end of the fiscal year. If that money is not expended by the end of the fiscal year and not obligated, it goes back into the Treasury and it is not necessary for Congress to pass a rescission bill. So while this is in order it is not necessary.

I have been interested in this fact, that in prior years the War Department at the end of the fiscal year has had more money percentagewise that was covered back into the Treasury without a rescission bill than is being covered back into the Treasury by this rescission. In other words, this rescission of $1,100,000,000 provides a six-tenths of 1 percent rescission of the amount available during the year, whereas in 1939 the amount of money in the War Department that reverted to the Treasury at the end of the fiscal year without any rescission on the part of Congress was 1½ percent, approximately twice as much. In 1 year, 1935, the amount of money that reverted to the Treasury, that was never expended or obligated, was 2.2 percent. Yet this procedure today is justified because such a large amount of money is involved, even though percentagewise it is not comparable to the amount of money that in some prior years has reverted to the Treasury at the end of the fiscal year without any action by Congress in rescinding the funds.

I shall place at this point in my remarks the tables prepared by the War Department in connection with the figures I have recited.

Military Establishment appropriations proportions for fiscal years 1925, 1927, 1931, 1933, 1935, 1936, 1937, and 1939 which reverted to the Treasury compared with proposed reversions, as of June 30, 1947, of appropriations for fiscal years 1942 through 1946

Fiscal year—	Appropriation	Amount carried to surplus fund [1]		Percent, column 4÷column 2
		As of—	Amount	
(1)	(2)	(3)	(4)	
1925	$263,965,386	June 30, 1927	$2,314,501	0.9
1927	272,404,899	June 30, 1929	2,423,099	.9
1931	346,979,179	June 30, 1933	2,566,840	.7
1933	304,961,492	June 30, 1935	3,019,704	1.0
1935	280,862,094	June 30, 1937	6,284,518	2.2
1936	355,538,204	June 30, 1938	2,095,913	.6
1937	388,244,859	June 30, 1939	4,360,287	1.1
1939	531,001,997	June 30, 1941	7,732,271	1.5
1942–46	[2] 180,903,973,618	June 30, 1948	[3] 1,100,000,000	.6

[1] Sec. 713, ch. 11, title 31, U. S. C.: "After the 1st day of July, in each year, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, or public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress."

[2] Excludes $33,345,182,833 rescinded by the First, Second, and Third Rescission Acts.

[3] As proposed by the House Appropriations Committee.

Source: Combined statement of receipts, expenditures, and balances of the U. S. Government for the fiscal years ending June 30, 1927, 1929, 1933, 1935, 1937, 1938, 1939, and 1941; appropriation acts, fiscal years 1942–46 for appropriations, 1942–46.

Mr. RICH. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, since everybody says that they are in favor of this rule it might seem a little useless to take any further time on it. However, it seems to me there is a little unnecessary concern on the part of my friends on the other side of the aisle about having this rescission title in the bill and the Republicans taking any

credit, for fear that it might be regarded as adding to the Republican credit for economy.

There is a sound reason for having this rescission in the bill. Many of these appropriations were made during the days when there was a 10-percent transferability clause. While these funds normally would be expended for the various titles under which they are indicated here, under the 10-percent transferability clause which was in effect in the appropriation bills for the years for which many of these appropriations were made, it would be possible without this rescission, if the War Department wanted to do so, to transfer 10 percent of these various items into a given fund and there to expend it for a purpose not within the definite intent of the Congress. Therefore, there is a very sound reason for making this rescission. Whether or not it adds to anybody's economy credit or whether or not it effectively reduces the amount that may be available for expenditure by the War Department, let all that go by the board, there is a sound reason for rescissions being in the appropriation bill.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Illinois.

Mr. OWENS. Is there any question but that the low amount that is being cut from the budget can be accounted for only because of the fact that you are turning back $1,100,000,000?

Mr. CASE of South Dakota. No; I would not say that is exactly the situation, although if this $1,100,000,000 were to continue to be available for expenditure, it would not be necessary to appropriate so much new money. I would be glad to discuss that when we come to that part of the bill.

There is one further thing I should like to say, which is, that this money actually is not in the Treasury. The money has been set up on the books for the War Department. We need this action to put it back into the Treasury, if the transfer clause is to be counteracted while the money remains available for obligation or expenditure.

Mr. RICH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1948

Mr. ENGEL of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 3678, with Mr. MICHENER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read the first 6 lines of the bill. The Clerk will read.

The Clerk read as follows:

Pay of the Army: For pay and allowances of the Army of the United States, including pay of Reserve officers and officers of the National Guard of the United States ordered to active duty under the provisions of section 37a and the fourth paragraph of section 38 of the National Defense Act, as amended; pay of civilian employees at military headquarters; allowances for quarters for enlisted men on duty where public quarters are not available; interest on soldiers' deposits; payment of life insurance premiums authorized by law; payment of exchange fees and exchange losses incurred by disbursing officers or their agents; repayment of amounts determined by the Secretary of War, or officers designated by him, to have been erroneously collected from military and civilian personnel in and under the Military Establishment and losses in the accounts of Army disbursing officers in accordance with the acts of December 13, 1944 (31 U. S. C. 95a) and December 23, 1944 (50 U. S. C. 1705–1707); $2,348,438,179, which shall also be available to pay mustering-out payments, as authorized by the "Mustering-Out Payment Act of 1944", as amended (38 U. S. C. 691–691g), to persons who were or may be denied such payments because they were discharged from the Army to enter the United States Military Academy or the United States Naval Academy and subsequently were discharged from either Academy because of physical disability: *Provided*, That the appropriations contained in this act shall not be available for increased pay for making aerial flights by nonflying officers at a rate in excess of $720 per annum, which shall be the legal maximum rate as to such officers, and such nonflying officers should be entitled to such rate of increase by performing three or more flights within each 90-day period, pursuant to orders of competent authority, without regard to the duration of such flight or flights: *Provided further*, That, during the continuance of the present war and for 6 months after the termination thereof, a flying officer as defined under existing law shall include flight surgeons, and commissioned officers or warrant officers while undergoing flying training: *Provided further*, That section 212 of the act of June 30, 1932 (5 U. S. C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home: *Provided further*, That during the fiscal year ending June 30, 1948, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the act approved May 11, 1908 (10 U. S. C. 803): *Provided further*, That provisions of law prohibiting the payment of any person not a citizen of the United States shall not apply to military and civilian personnel in and under the Military Establishment: *Provided further*, That without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Army on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations, may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts: *Provided further*, That no collection or reclamation shall be made by the United States on account of any money paid to assignees, transferees, or allottees, or to others for them, under assignments, transfers, or allotments of pay and allowances made under authority of law where liability might exist with respect to such assignments, transfers, or allotments, or the use of such moneys, because of the death of the assignor, transferor, or allotter.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 5, line 1, strike out "$2,348,438,179" and insert "$2,223,438,179."

Mr. DIRKSEN. Mr. Chairman, I had originally contemplated offering or at least suggesting for discussion an amendment to the pending bill that might very conceivably reduce it by $250,000,000. That amendment was designed to offset the military aid that has been provided under Senate bill 938, better known as the Greek-Turkish loan bill. The theory, after all, is that when you extend aid of that kind you are extending defense aid even as we did under the act of 1941. When you export your weapons and munitions and instrumentalities of war, it is a fair assumption that you can modify your own security establishment proportionately.

I appreciate, however, in offering an amendment of that kind it would be necessary to set it up in a lump sum and, if it were in order, to permit that modification to be made at the discretion of the Secretary of War. Of course, if you repose that sort of discretion in the directing head of the War Department, he would have great latitude and flexibility of judgment as to where the cut might be made. It is very conceivable indeed rather than cut the establishment and its manpower that a very generous proportion of that sort of cut might be applied to research activities of the Department.

So, while I had some convictions on the matter I relented in the attitude because I felt perhaps we were in a position now where the establishment could be cut and at the same time not be impaired in its effectiveness for all purposes.

As you know from the conferences we had with the War Department from time to time over a period of years it was assumed that we would have an establishment of 1,070,000 officers and enlisted personnel as of July 1, 1947, and that there would be 146,000 officers, including 13,500 warrant officers. I think generally the Congress is familiar with the fact that there has been some difficulty in recruiting that manpower. It is agreed that recruitments are not up to expectations. The amendment that is before you now to strike out of this paragraph $125,000,000 would be set up so as to envision a diminution in the officer and enlisted strength of the Army on the ground, which I think is a tenable and sustainable ground, that the men cannot be obtained. That is admitted. Then why should funds be appropriated for manpower which does not and will not exist. That is the rub of this proposal and the hearings will bear out the soundness of this proposal. That $125,000,000 would be composed of three items. First, $93,000,000 which envi-

sions a reduction of 30,000 enlisted men at the rate of $3,100 per man. Already the officer complement has been reduced by 20,000. If you add another 5,000 at the rate of $5,500 per officer, that would be $27,500,000. The third item could be taken out of the flying pay. You are familiar with the fact that only recently General Spaatz has indicated that flying hours would be increased from 48 to 100. That, of course, means that there are a great many who would not be able to qualify. So the complement there that seeks to make itself eligible for flying pay would be reduced. That item of flying pay could be reduced also, making a total of, roughly, $125,000,000.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. CASE of South Dakota. How much did the gentleman propose to reduce the enlisted personnel?

Mr. DIRKSEN. Thirty thousand. That is at an estimated figure of $3,100 per individual.

Mr. CASE of South Dakota. Then the gentleman would reduce the enlisted men 30,000 and the officer personnel 5,000?

Mr. DIRKSEN. Yes, and make a cut of $5,000,000 in flying pay. It may figure out a little more than that, but it has been reduced to a round figure.

Mr. CASE of South Dakota. The gentleman is aware of the fact that there is a 20,000 reduction already effective in the reduction of officers?

Mr. DIRKSEN. I appreciate that, but the increased reduction in enlisted personnel would make possible a further reduction in the officer complement.

Mr. CASE of South Dakota. Of course, the reduction which the gentleman suggests is on the ratio of one to six, which would be a much heavier reduction in proportion than the existing rate.

Mr. DIRKSEN. I am not insensible to that fact, but I think the reduction can properly be absorbed by the War Department.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DIRKSEN] has expired.

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the amendment.

I do believe that it is within the province of Congress to determine the size of the Army, either by direct legislation or by reduction in appropriations, but this would really be cutting in the dark. The average figures of $5,500 per officer and $3,100 for enlisted men are approximately correct except that these figures include food and clothing, medical care, and maintenance of quarters as well as pay and allowances. Yet, the gentleman's amendment proposes to take the entire reduction for a cut of 30,000 men from the funds provided for pay and allowances.

If the House wants to cut the strength of the Army by reducing the money on an average per man basis, the amendment should be drawn to take out a proportionate amount from all of the items included in the average cost figure, rather than taking it all from the pay funds. In other years, it might not have mattered so much, because the bills used to carry a transfer clause which permitted shifting of funds within the War Department to increase a given fund up to 10 percent. This bill, under the leadership of the chairman, the gentleman from Michigan, does not contain a transfer clause.

Again, if the Congress wants to reduce the Army by cutting its strength overseas, maybe that is a question that should be considered. The gentleman from Illinois has not put his amendment on that ground, however.

Obviously, he is inviting a heavier reduction in officer personnel than the committee has reported. There are three reasons why the officer personnel is higher today in proportion to enlisted strength than it was before the war. I should say there are four explanations, one being the carry-over from the war itself, when we had a higher proportion than peacetime for obvious reasons. To the extent that is true, the officer strength should be reduced, and the committee has proposed to do that in the bill now before you. But there are three sound reasons why the officer strength today is heavier in the Army than it was before the war.

The first reason is that the air force today constitutes a larger proportion of the over-all Army than before the war. In 1941 the air forces were about one-fifteenth to one-seventeenth of the total army strength. Today the air forces are one-third of the total army strength. Anybody who knows anything at all about the Army knows that it is necessary to have a higher proportion of commissioned officers in the air forces to operate the airplanes than in the old infantry army, let us say. So that is one sound reason. You have an air force today one-third of the total Army, as compared with one-fifteenth or more before the war.

The second reason is that you have the problem of occupation. The director of occupation cannot be accomplished by immature boys who, in their own home towns, would not be entrusted with municipal administrative and judicial jobs because of lack of experience or maturity, even in the United States. So you have to have a higher percentage of officers to administer occupation in foreign countries than you would have in the normal peacetime army occupying an ordinary peacetime military post.

The third reason is that you are carrying out a research and development program and the most important parts of that research and development program are being carried on by officer personnel, by commissioned officers. If you are going to get the greatest value for the dollars you expend on research and development you need a greater complement of officers to direct and handle that work.

So the proposal here to reduce the officer strength in the proportion of one to six, in my judgment would be proposing an unwarranted reduction in officer strength. It is not popular, perhaps, to say "Let us maintain the officer strength of the Army," but to those who are familiar with the details of our national defense program it does make sound sense to maintain a proper proportion of officers in your Air Force and in your occupation force and in your research and development program.

If the gentleman based his savings on a general reduction of the total size of the Army we could have a debate upon that issue, but it strikes me that this approach overlooks the reduction in total strength already made. Bear in mind that when the committee reported the bill reducing the officer strength by approximately 20,000—17,500 in the commissioned officers and 2,500 approximately in the warrant officers—we did not put back in the bill the money for the enlisted men. So already the bill is about 20,000 less in the over-all strength of the Army.

If the gentleman's amendment carries it would mean 30,000 in addition. The issue is before the committee. You can do what you want about it, but it would, if the gentleman's amendment were adopted and carried out as he explained its intent, accomplish an improper reduction in the officer strength.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. DIRKSEN. The gentleman from South Dakota suggests perhaps a different approach; in other words, in your aggregate.

This is a general cut of $125,000,000, and I take it from the gentleman's discussion that there can be a reduction in enlisted men, but his particular opposition lies to the fact that——

Mr. CASE of South Dakota. That the gentleman was suggesting a disproportionate cut in officers and that you propose to take the entire cost for 30,000 officers and men out of the pay funds, overlooking the fact that the average cost figure includes subsistence, clothing, medical care and maintenance of quarters as well as pay and allowances.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman from South Dakota may have two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. At all events, I will say that the amendment deals only with money here and would be in the nature of a recommendation. It perhaps needs some refining somewhere else. So it is not a hard and fast understanding that it would have to be 5,000 officers. I think very well under the circumstances and under the statement the gentleman makes that the amendment might very well go through and that they make their own refinement as between enlisted men and officer strength.

Mr. CASE of South Dakota. If we were going to debate a reduction of the Army issue, it seems to me we ought to

debate it upon the issue of the job the Army has to do.

As a matter of fact, the Army today is overmanned for its presently authorized pay strength. The fears the gentleman expressed about being able to raise the authorized number of men to fill the requirements of the personnel of the Army are groundless. The Army today must shrink its personnel to get within the figures the committee has provided.

As I said yesterday during general debate, I think we should turn over more of the occupation job to the native populations of those countries we are occupying. I think we should do that as a matter of reducing costs, and I think we should do that partly to put those countries on their own feet and build them up so as to get them off of the economy of the United States.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. DIRKSEN. I agree with that observation. The only way it can be brought about is for Congress to make some kind of reduction. Then the responsibility more and more will have to be reposed in the native populations. This is an effective way to do it.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. O'HARA. We have heard a great deal about the officer personnel of the Army in the field and in the occupied areas, but we have not heard anything as to how many officers there are in the Pentagon Building. Can the gentleman give us information on that subject?

Mr. CASE of South Dakota. I do not know how many officers are over in the Pentagon Building. The bill does propose a reduction of 20,000 officers.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to compliment the gentleman from South Dakota for his remarks. Throughout the hearings on this bill we proceeded on the theory that we were appropriating money for an Army of 1,070,000 officers and enlisted men. That has been the basis upon which we have proceeded, and I think the chairman of the committee will join me in saying that we have mutually felt we could not now go below the 1,070,000 men.

Mr. Chairman, it would be unwise for the United States of America under world conditions as they are, with our commitments as they are, to begin a policy which would mean the disintegration of our Army. There are many standing armies in the world in excess of ours; at least, there are some. To go below 1,070,000 men it seems to me would be most dangerous at this time. When this occupation job gets under better control, when peace treaties are signed, we probably will not want an Army of the present size, but certainly an Army as now constituted is not out of proportion at this time. This being the authorized Army, if action is going to be taken to reduce it, I should like for the gentleman from New York [Mr. ANDREWS] and his Committee on Armed Forces to hold exhaustive hearings and present the matter to the Congress. Then if the Congress is willing to make that reduction, it is a different story. Personally, I would not be willing to do it, and I am not willing now for this committee to usurp the authority of the Committee on the Armed Services to strike out the present authorized 1,070,000-man Army.

As the gentleman from South Dakota [Mr. CASE] so well pointed out, a very large percentage of the Army is the Air Force. We all know the heavy percentage of officers required in the Air Force. When we cut the officer personnel in the bill I thought we cut it a little too deep. In cutting that officer personnel I did not think we had ample justification for the depth of the cut made. But be that as it may, no funds are in the bill to make up the deficit in our armed forces created by the 20,000 reduction in officers which the bill effects. In other words money is not provided for the pay of 20,000 additional enlisted men needed to keep the Army up to the 1,070,000 strength. I would not for a moment dare to take the responsibility and the chance of flying in the face of all military authority who tell us that the very minimum required at the present time is 1,070,000 men as now authorized.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. DIRKSEN. I remember the hearings that we had with officials of the War Department last year and the year before. As will be remembered, they contrived a figure of 1,070,000 even at that time. It occurs to me there is no magic in that figure of 1,070,000. Yet for nearly 18 months we have been sort of going through with that figure, nursing it as a sort of target, but there is no magic in it. It can be raised and it can be lowered without impairing the efficacy of the Army.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. First, that figure of 1,070,000 has already had a couple of whacks taken in it. When the figure of 1,070,000 was adopted that was for active personnel. Those who were on an inactive status, those who were in hospitals, those who were on hospital leave or terminal leave were not included. However, the 1,070,000 today includes those who are on terminal leave as well as those on active duty. In addition to that, as I have already pointed out, the reduction of 20,000 officers accomplishes a reduction of enlisted personnel, because when we took off the officer money we did not put back the money for the enlisted personnel. So that there have been two whacks taken in that 1,070,000.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SCRIVNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have the greatest admiration for the gentleman from Illinois and his keen insight and his desire for economy. I, too, have a desire for economy, but I feel that the committee, in making the cut that they did in the pay for officers, cut just about as deep as we can cut at the present time, and we are fairly certain that the cut is sufficient to take off some of the overload in rank in the higher brackets.

If you turn to page 1582 of the hearings you will find what had been originally proposed, namely, 4,023 second lieutenants as compared to 20,000 majors, and I can assure you that if the cut we have made does not have the desired effect, there will be some further surgery next year when the Army appropriations come up.

I can understand the position many of these men take, and I know the way they feel. I could not help but think about it the other day as I read a news story which related that a West Point class of 1940, or possibly 1941, was going to have a reunion. It named seven, eight, or possibly nine of the officers coming back, youngsters just out of the Point, you might say, and of the seven or nine, my recollection is that two were full colonels, four were lieutenant colonels and one was a major. We know that normally it takes 15 to 17 years before an officer reaches the rank of colonel. Many of these higher ranks can well be reduced to what would normally be their level. Maybe this cut will hasten the reduction to somewhere near peacetime normalcy. So, in all deference to the suggestion which has been made by the gentleman from Illinois, I feel that we cannot go further than we now have gone in the proposed cuts in the pay for the Army.

The picture is not as dark as some have painted it; the emergencies are not as dire as some have suggested, but neither are they as bright as some of the most optimistic would have us believe. We are going through a period of transition in which our Army is to play a very important part. We hope that within the very near future many of our troops can be returned to this country and taken off occupation duty in Germany, Korea, and Japan. When the return of those troops can be made, of course, there can be a further reduction in the cost of the Army, in the number of men necessary, and in the number of officers as well. Then with time to study it thoroughly, as I said just a few moments ago, this committee will look things over next year with a very critical eye with the hope that we may further pare this appropriation.

Mr. ANDREWS of New York. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in view of the importance of this amendment and its relationship to the Committee on Armed Services, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDREWS of New York. Mr. Chairman, may I say in the first place that the gentleman from Michigan [Mr. ENGEL], the chairman of the subcommittee in charge of this bill, has during the past 2 months revealed a very fine spirit of cooperation with the members

of the Committee on Armed Services through his contact with me as chairman of that committee.

The subject matter of the amendment offered by the gentleman from Illinois leads me to make a few remarks on the floor this morning. I should like the members of this committee and, in fact, the entire House, to know that for a period of 2½ months, starting on March 17, the leading subcommittee of the Committee on Armed Services, that on personnel, the chairman of which is the gentleman from Missouri [Mr. SHORT], has been considering the entire question of personnel of the Army Ground, the Army Air, the Navy, and the Marine Corps, both in enlisted strength and officer strength, from all points of view, that of the high-ranking officers, from the generals up, and from the generals down.

The number of generals in the Pentagon was referred to, and that leads me to say that we have examined the billets for star rank in all the services in minute detail, in cooperation with all four sections of the armed services, the Marines, the Navy, the Air Corps, and the Army.

It is a little early to make such a statement, but in view of the amendment offered by the gentleman from Illinois I am going to say this. That subcommittee of 12 men, consisting of men who came from both the Military and Naval Affairs Committees, including the senior members of those committees, have reached unanimous agreement on the so-called promotion bill for the Army and the Navy, the vital part of which is the number of officers and the billets in these services for the future.

In a large number of conferences the officers of the Army, the Navy, the Marine Corps, and the Air Corps have revealed a very fine spirit of cooperation looking to the reduction of high rank and the number of officers in high-rank positions in the future.

I do not suppose anybody who has not been in the service or who has not been in contact intimately with these departments, but knows of them only through the newspapers, can have any possible conception of what it means to reduce down in the services and, from an Army point of view, to realize the great responsibility resting on that service for the occupation in Europe and in Japan, and with the proposed setting up of the Air Corps as a separate organization, assuming the passage of the merger.

I say this subcommittee has given very considered opinion to all the billets for all the high officers, and I think it will be borne out by my friend the gentleman from Texas [Mr. KILDAY], who is here, that we have been amazed at the willingness of the services to cooperate in the very direction which the gentleman's amendment purports to go without knowing the facts. You cannot possibly effect a great reduction in the rank beyond the present situation until July 1, 1948. We are in an occupation period that must of necessity last another year. I do not believe the average person here has any conception of the pipe line that must be kept going and of the numbers of men in training to feed up to MacArthur and the American forces in Europe, with the 1-year enlistment period still running, with no selective service, and voluntary enlistments having dropped to an average of about 20,000 a month.

You will be perfectly amazed when we bring the promotion bill for the Army and the Navy on the floor of this House at what we have been able to effect in a permanent reduction in rank, in the ceiling on those positions, and in the number of generals. You will find that the number of generals in the Army ground forces will be not to exceed 210, the number of generals in the Air Corps will be way below that, and the number of starred admirals from the top down in the Navy will be in proportion to those in the Army.

I feel that we have been highly successful in reaching these decisions with the members of the War Department, the Navy Department, and the various other branches, the Air Corps, and the Marine Corps.

This bill has been cut. I have great faith in the gentleman from Michigan. He is certainly minded to economy.

I think the gentleman from Michigan knows probably as much of the general picture concerning officer strength and enlisted strength of the Army, insofar as it is reflected in dollars and cents, as do we on the Committee on Armed Services. When it comes to billets and the idea that you can arbitrarily say that we are going to cut out that many more officers as represented by the amendment of the gentleman from Illinois, I say "No." The very fact that he offers an amendment, it seems to me, is a great contradiction of his usual habit of offering amendments based upon facts. This is the first time, I believe, that the gentleman from Illinois [Mr. DIRKSEN] has seen fit to offer an amendment the result and operation of which he does not know. I am very glad at this time to yield to the gentleman from Texas [Mr. KILDAY], one of the most active members of the Committee on Armed Services.

Mr. KILDAY. Mr. Chairman, I agree thoroughly with what the gentleman from New York has said with reference to this proposed reduction, primarily as it relates to the pay of the Army. In the Subcommittee on Personnel of the Armed Services Committee we are working on a promotion bill and we are working on it without any idea of partisanship. I think that is one of the nicest things about my service in the House—having been a member of the old Committee on Military Affairs for 8 years and now a member of the Committee on Armed Services since the reorganization of the committees of Congress.

In each we have approached national defense matters with no partisanship, rarely, if ever, dividing along party lines.

The gentleman from New York, the chairman of the Committee on Armed Services, stated what we hoped to do with reference to the flag rank or the so-called brass hats. You will be amazed when you see the extent to which we have cut. But when you consider the action taken in the departments you will find that at the termination of the war the Army had 1,500 generals of one-, two-, three-, four-, and five-star rank. Voluntarily, by their own action, they have reduced that to 500 generals. There seems to be a feeling throughout the country that the lower ranks have been cut but the general officers have not been cut. They have gone down through the administrative action of the department itself about two-thirds and we propose to reduce that figure by about half in the permanent establishment.

I feel very strongly that a nation that has just authorized $400,000,000 to assure the countries of Greece and Turkey that they can stand up against a powerful nation because a still more powerful nation will sustain them, cannot afford to make the cut as contemplated by the amendment of the gentleman from Illinois. What will be their reaction when they find a cut in the pay of the Army? And, more important, what will be the reaction of that great nation which they fear when, in the face of legislation which we have previously passed, we now take the position that we will not supply enough money to sustain a minimum army?

I understand from the press that the gentleman from Illinois has stated that the proposed reduction has some connection with deducting the support that was going to Greece and Turkey from Army funds. To my mind, that is a fallacy. We are sending food, equipment, and what not to them, but I am sure it was agreed on the floor that it was not contemplated that a large expeditionary force is to be sent. Therefore, reducing the appropriation for pay of the Army can have no connection with the aid we have voted for Greece and Turkey. The amendment should be defeated.

Mr. KEATING. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Illinois [Mr. DIRKSEN] is so extremely convincing and we all have such a high regard for his great ability and his unquestioned sincerity that it is with considerable hesitation that I rise to oppose the amendment which he has offered.

I also realize that this opposition is not voiced in a popular cause. The Army and Navy have no votes back home. Their budgets traditionally have been soft spots where money could be saved, appropriations denied, and the taxpayers relieved of expense without endangering one's position with his constituency in any way.

I should not wish to be misunderstood. I do not ascribe to our distinguished colleague, the gentleman from Illinois [Mr. DIRKSEN], anything but the highest motives in proposing this amendment. His views are admittedly to be given great weight. It seems to me, however, that the subcommittee which has studied this subject so carefully and has presented us with hearings embracing 1,642 pages of printed record has had an unparalleled opportunity to arrive at a conclusion regarding this matter which strikes a proper balance between much-needed economy and adequacy in our national defense. I hope they have not gone too far in the cuts they have recommended. I have no reason to feel that they have.

On the other hand, entertaining a serious suspicion, as I do, that further reductions may jeopardize our national security in this hour so perilous and critical in our Nation's history, I find myself unable to support additional reductions with no more convincing evidence than has been presented here.

A question has been raised about the disproportionate ratio of officers to enlisted men provided in this bill. It is noteworthy that the subcommittee in the cuts it has already made has left the enlisted men at full strength, while eliminating 20,100 officers and warrant officers. The amendment now suggested would reduce officer personnel another 5,000 and enlisted strength 30,000.

It must be recognized that occupation duties which our forces are now faced with probably do require a higher percentage of officer personnel than is required for combat duty or a normal peacetime Army. I happen to have served during the war in a theater where logistics was the principal problem. We had to have a higher percentage of officer personnel than is normally required because the problems, like those of occupation, were of unusual complexity.

Then, too, in the field of research, in the push-button developments which we now hear so much about—perhaps too much, I might say—undoubtedly an extraordinarily large number of the personnel must be officer-trained. The same is, perhaps, true in the Air Forces. In other words, we must not gear our thinking and planning to the days of the musket and the Minié ball.

The statutory strength of the Army, as of July 1, 1947, is to be 1,070,000. This budget is based upon that number for the coming fiscal year. A reduction of some $106,000,000 has already been made by the subcommittee. It is, in my judgment, a false and dangerous economy to attempt to reduce this particular item further. At the very least, and even if this number of personnel should not be necessary—a result which I would be the first to welcome with enthusiasm—the inclusion in the budget of provision for the number of military personnel fixed by statute can do no harm, because if the statutory strength is not maintained, the men will not be paid and the money will not be spent. The committee has very wisely refrained from including in this bill any provision permitting the transfer of funds appropriated for one purpose to some entirely different purpose, as we witnessed last year when the Executive reached into the funds appropriated for research, impounding $75,000,000 and transferring it to some other purpose, thereby, as General LeMay testified, seriously delaying their program.

This is one place where, so far as I am concerned, my preference is to err, if at all, on the side of safety and security.

There is another point about this provision for the pay of the armed services. To adopt this amendment is to legislate by this appropriation bill a reduction in the authorized size of the Army established by Public Law 473 in the Seventy-ninth Congress, and to do so, I might say, upon inadequate evidence. I much prefer to make provision for an adequate professional force than to impress into service those who do not choose the Army as a career. It is possible that both may be necessary. We shall soon have to face that problem in a bill for some form of compulsory universal training. On that issue, I have not yet studied the evidence to be prepared to take a final position. What I do say, however, at this time, is that we should not by this amendment provide for a reduction in the authorized strength of the Army and next week, or next month, or next year turn around and require our youth to serve by compulsion when we, at that same time, deny the funds to provide pay for those who would serve voluntarily.

Therefore, Mr. Chairman, in the absence of compelling evidence that the Army strength as now fixed is extravagant or wasteful, and in the light of the representations made to us both by the members of this subcommittee on War Department appropriations and also by my distinguished colleague from New York [Mr. ANDREWS], the chairman of the Committee on Armed Services, all of whom have given to this matter the benefit of their diligent study and wealth of experience, I feel compelled to join with them in opposing this amendment and cannot, in good conscience, give it the support of my vote. I hope it will be defeated.

The CHAIRMAN. The time of the gentleman from New York [Mr. KEATING] has expired.

Mr. TABER. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I am taking the floor in order that if possible we may get a little clearer picture of this situation. I am going to direct some questions to the chairman of the subcommittee.

It appears on page 31 of the hearings that there will be 360,000 men discharged during the fiscal year 1948. We are advised by the gentleman from New York [Mr. ANDREWS], that enlistments are presently running at the rate of 20,000 a month. In other words, if they continue on that basis, we would be 120,000 short of having the 1,070,000 men in the Army at the end of the fiscal year 1948. I am wondering what the gentleman from Michigan could tell us about that.

Mr. ENGEL of Michigan. Mr. Chairman, it is my conviction that those figures are conservative. The enlistments will be higher for the Air Corps, but I am convinced that there will be a deficit of approximately 50,000 to 75,000 enlisted men in the Army during the fiscal year ending June 30, 1948, if we go into the year with 1,070,000.

Mr. TABER. Does that mean we will be short all the way through the year by an average of somewhere around 50,000?

Mr. ENGEL of Michigan. That is my judgment. When War Department representatives appeared before the Military Affairs Committee and asked authorization for an army of 1,070,000 men they placed a table in the record showing what they expected to have—and that was in April 1946. That table shows—and you will find it at page 162 of the hearings of July 1, 1946—Brigadier General Textor testifying. It shows that on July 1, 1947, the requirements and availabilities are as follows: Volunteer Army, enlisted men, 719,000; all officers, 100,000. A total of 819,000 officers and enlisted men. Inducted into the service, they figured 200,000. This makes the total available 1,019,000, or a deficit of 51,000 to make up the 1,070,000 officers and men. That is from the hearings of April a year ago, and those are accurate.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. DIRKSEN. That, of course, simply gives point to the observation I made in the first instance, that we can save conservatively 30,000 a year.

Mr. TABER. What bothers me, frankly, is this: If we are going to be 50,000 short all the way through the year of our goal of 1,070,000, what sense is there in appropriating money for more than we will have? That is the question that is bothering me, and that is what caused me to take the floor. I looked at these hearings and I looked at the picture and then wondered what point that could be in appropriating money for men we would not have. If that be the case we ought to take action.

Mr. DIRKSEN. And that is the point of my argument.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman's figuring would be entirely correct, of course, if we started the year with 1,070,000 men and we had 360,000 discharges and were recruiting only 240,000, but the facts are we are starting off the year with 1,020,000, or 1,145,000 as the figure that is used for the strength of the Army, the average pay strength within the year; and it will depend upon the rate at which discharges come about as to how far down they go. We have to take our January 1 figure, the mid-year period, and assume a level.

Mr. TABER. If we lose 10,000 a month and you had 1,140,000, you would drop down to 1,020,000 at the end of the year and the average strength would be below the figure provided for in the bill, as I understand.

Mr. CASE of South Dakota. The chairman, of course, must not overlook the fact that the figures already reduce the pay money by 20,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TABER. I wonder if the gentleman from Michigan feels that the average strength of the Army will be down 50,000 from the 1,070,000?

Mr. ENGEL of Michigan. I personally feel that it will be. The figures the gentleman from New York gave us are high. I do not think we are going to have that much of a deficit but I feel they are going to have a 50,000 deficit.

Mr. ANDREWS of New York. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. ANDREWS of New York. I want to make it perfectly clear that the figure attributed to me was one that I took out of my head from memory. As I recall, it was the month of February in which the reenlistments ran about 20,000. I have not followed the reenlistment program as I should have, but there is nothing secure about the reenlistment program.

Mr. TABER. There is nothing secure about anything in connection with voluntary enlistments in an army, of course. It is a matter of guess. If it is true that they are going to be 50,000 short, on the average, of the number in the Army there is no question but what we should not provide more funds than there are folks in the Army.

Mr. ANDREWS of New York. Just as a general picture, and without knowing what goes on behind the offering of amendments, I would like to know if the Appropriations Committee can give me any idea how much they are providing for officers and men in the business of effecting the return to this country of 300,000 bodies from overseas.

Mr. TABER. I understood that that was a private operation separate from the War Department operation.

Mr. ENGEL of Michigan. That appropriation comes in the civil functions part of the War Department, and not in the military activities.

Mr. TABER. There is not a substantial number of soldiers found in that item. It is a contract job with morticians, as I understand it. I know we had that up in the deficiency committee and there were $93,000,000 in there for that job and that was a high figure. It rather appears from what the gentleman from Michigan has told us that there will be a 50,000 shortage in the number of men averaged throughout the year. If that is the picture, cutting out the pay for 30,000 would be a perfectly proper operation.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. KILDAY. It is true that if there is a deficiency the money will not be spent?

Mr. TABER. That is true. On the other hand, it is not up to us to provide more funds than can reasonably, under normal conditions, be used by any governmental institution.

Mr. KILDAY. The gentleman feels it would not affect the efforts of men who in good faith attempted to induce young men to go into the service when he knows that so far as action taken by the Congress is concerned the contract he is making will not be carried out?

Mr. TABER. Oh, there is no such thing as that involved at all because there are 360,000 enlistments expiring and they are running along at a rate of reenlistment that will not permit them to hold the strength up to the amount of money that would still be left in this bill after deducting the item that the gentleman from Illinois has suggested would still be enough to take care of all that they would have.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not claim to have any unusual knowledge on this subject, although I am, with certain other Members of this House, a member of the Joint Committee on Atomic Energy and am consequently especially interested in the position of the national defense of our country. I have to say that this war is not over yet. The peace treaties have not been signed and whether they are signed or not we still have a long way to go to insure peace in the world. The United Nations organization is not perfected, as we all know.

While it is quite possible that the armed services may average 30,000 persons less during the period of the fiscal year 1948 than is said to be required for the proper defense attitude of our country, I would hate to think that the number that could be actually engaged up to the number stated to be required, 1,070,000, could not be engaged by virtue of the fact that no appropriation was made for them. It would seem to me much more wise on the part of the United States in its position in international affairs today to have the authorization there and to increase the recruiting program, insofar as possible to step up the recruiting, so that the number 1,070,000 shall not be gone below. I think that is the important aspect from which to view this situation, rather than from whether or not they may not have as many men as they need to have in the Army, and therefore reduce the appropriations. There may not be as many men in the Army as there should be, but if not, for God's sake let us go out and get them, recruit them into the service, and let the Army maintain its required strength. I think that is the important viewpoint to take.

Mr. SHORT. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, it is not necessary, I think, for me to state to the Members of this body my position on economy. I can cut and slash and wield the broadax at times. I think the first line of defense of any country is really its financial solvency, and that sound economy is just as important as an army, a navy, and an air force. But in this very sad and sick world, with all the troubles and the uncertainties that hang over us, we certainly should move with great caution in cutting appropriations for the Army and the Navy.

Personally I think we cut too much out of the Navy bill, and instead of offering amendments to cut further into this Army appropriation, I would almost be in favor of voting to restore the cuts that have already been made. For many weeks we have held long and exhaustive hearings before Subcommittee No. 1 on personnel of the Armed Services Committee of the House, and Members on both sides of this aisle who are members of the committee know the difficult task that confronted us in cutting down rank and the number of officers. We have done a pretty good job and will have a report, I hope, within the next fortnight to give to the Members of this body.

I trust that this House today will not pass this amendment. I had hoped that my good friend from Illinois [Mr. DIRKSEN], with whom I agree about 95 percent of the time, would not offer this amendment. I told him so the other day as we lunched together. It is just utter foolishness for us to continue to bleed this country white and give hundreds of millions of dollars to foreign countries and then refuse to take care of our own defenses here at home. It is all right to trust God, but we had better keep our powder dry; speak softly, but carry a big stick. I will admit the only nation that is a great enigma and a big question mark so far as the future of the United Nations is concerned, or world peace, is difficult to understand. I do not claim to understand the Russians. I think they possess many admirable qualities, and certainly I want to get along with them, because I can imagine no greater tragedy than armed conflict between the two mightiest nations on this earth today. I think I know them well enough after having traveled through all European Russia back in 1931 that the only language they understand is the language of force. I know that, having lived under the heel of tyranny and the yoke of oppression for centuries, that they respect strength and they have only contempt for weakness.

Let us not weaken our defenses here at home until the United Nations organization becomes firmly established and until we can set up an international police force to carry out its decisions. I hope this Committee will vote down the amendment offered by my good friend from Illinois [Mr. DIRKSEN].

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. There is one point that should be kept in mind in connection with this bill. For the first time in many years this bill does not carry a transfer clause for the funds of the Army. In other words, when money is appropriated for pay of the Army it can be used only for that purpose, so that if we should not have the full strength as it averages up through the year the money cannot be spent for some other purpose. But if you do not provide the money you cannot recruit to the strength allowed.

Mr. SHORT. I am very glad the gentleman brought out that point. He is eminently correct. Let us not fiddle here and play with the safety and security of this great Nation in this hour of peril. We must remain strong on land, sea, and in the air. We do not want to lose the fruits of victory after so great a price.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The amendment was rejected.

The Clerk read as follows:

For expenses necessary for the transportation of Army supplies, equipment, funds of the Army, including packing, crating, and unpacking; maintenance and operation of transportation facilities and installations, including the purchase, construction, alteration, operation, lease, repair, development, and maintenance of and research in transportation equipment, including boats, vessels, motor-propelled passenger-carrying vehicles and railroad equipment; personal services in the District of Columbia; procurement of

supplies and equipment; printing and binding; communication service; maps; wharfage, tolls, ferriage, drayage and cartage; premiums and indemnification for risks insured pursuant to the act of April 11, 1942 (46 U. S. C. 1128–1128g); conducting instruction in Army transportation activities; transportation on Army vessels of privately owned automobiles of Army personnel upon change of station; $347,577,227: *Provided*, That during the fiscal year 1948 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured: *Provided further*, That vessels under the jurisdiction of the Maritime Commission, the War Department, or the Navy Department, may be transferred or otherwise made available without reimbursement to any of such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Mr. BRADLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in connection with the Army Transport Service covered by the paragraph just read, I believe the House should be informed of these circumstances:

On page 82 of the June issue of News Week there appears an article under the heading of "School ships" in which it is stated that—

> The Division of International Exchange of Persons of the State Department's Office of International Information and Cultural Affairs has secured the use of two Army transports—the *Marine Jumper* and the *Marine Tiger*—for the exchange of summer students between this country and Europe. Each ship, of 900-passenger capacity, will make four round trips.

As a matter of fairness to the Army Transport Service I wish to inform the House that this article is misleading in that the ships concerned are not in any way under the jurisdiction of the Army Transport Service, but, rather, are operating under private management. The term "Army transports," as used, is apparently intended only to mean that these vessels were used as such during the recent conflict, and should not be confused with the vessels of the present Army Transportation Service.

Also, I may say here that at the time the House had before it legislation which would authorize waivers of certain safety requirements for vessels being used by the Army, in the transportation of passengers, I stated that it had been brought out in the hearings that efforts might be made to persuade the Army to use some of the C–4's, then under consideration, for the transportation of displaced persons from Europe to South America and that I felt the War Department should not utilize vessels upon which waivers had been requested for the transportation of great numbers of people of all ages and sexes on long voyages to different parts of the world. I further stated that if there were a need for such transportation, and if the War Department felt itself to be the proper agency to provide it, I believed the Secretary of War should make request to the Congress for specific authority in the premises, rather than going into the passenger-carrying business with ships which do not comply with our minimum safety standards and for which we were authorizing waivers only to permit the accomplishment of the necessary business of the War Department.

I am now informed that the War Department is operating two of these C–4's between Europe and South America, carrying displaced persons, and that it is expected that a third ship will soon be put on the same run. Waivers on these ships are effective only until December 31, 1947, so at that time they must be withdrawn from this service unless further legislation is enacted, or the vessels transferred into the category of public vessels of the United States.

I am further informed that the War Department is being fully reimbursed for the expenses incurred in this transportation project.

In my opinion, the use of the ships for the purpose indicated is inadvisable in that, in the event of a marine disaster in which heavy loss of life should be incurred, the ultimate responsibility for allowing these ships to operate rests directly upon this Congress, which has countenanced their operation in violation of the normal safety requirements of our current laws. Such a disaster would reflect most unfavorably upon the merchant marine of the United States.

I trust that the War Department will not find it necessary to extend this service further and that it will discontinue the use of these ships, on which waivers of safety requirements have been granted, for the transportation of women and children on long voyages at the earliest practicable moment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For creating, maintaining, and operating at established aviation and related schools courses of instruction for military personnel, including payment of tuition, cost of equipment and supplies necessary for instruction, and expenses of special lectures, purchase of tools, equipment, materials, machines, textbooks, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, and including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies and procurement of services for securing, developing, printing, and reproducing photographs and motion pictures in connection with aerial photography, including aerial mapping and charting; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; for travel of military and civilian personnel in connection with the administration of this appropriation, including travel by air or rail required in connection with the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof; purchase, manufacture, and construction of aircraft, and instruments and appliances, including radio, radar, and electronic equipment, necessary for the operation, construction, or equipment of aircraft, and spare parts and equipment connected therewith; air crew and aircraft rescue and fire fighting equipment, including trucks and boats; marking of military airways where the purchase of land is not involved; purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings and other facilities for the handling or storage of such equipment; services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 40 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical and meteorological research in the Air Corps; maintenance and operation of Air Corps printing plants outside of the District of Columbia authorized in accordance with law; special furniture, supplies and equipment for offices, shops, and laboratories; special services, including the salvaging of wrecked aircraft; payment of claims resulting from the operation of aircraft, under the provisions of the act of July 3, 1943 (31 U. S. C. 223b), as amended, and the Federal Tort Claims Act of August 2, 1946 (Public Law 601); $733,332,508: *Provided*, That in addition to said appropriation the Secretary may, prior to July 1, 1948, enter into contracts for procurement and construction of aircraft and equipment, spare parts and accessories, to an amount not in excess of $280,000,000.

Mr. MAHON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. MAHON: On page 25, line 22, strike out "$733,332,508" and insert in lieu thereof "$773,332,508."

Mr. MAHON. Mr. Chairman, there is nothing complicated or difficult about the amendment which is now before you. It is simply a question of whether or not the Congress is going to give to the Air Forces for the airplane-procurement program the amount of money approved by the Budget, requested by the President, and plead for before our committee by General Spaatz, Chief of the Army Air Forces. It is a clear-cut issue. It only involves $40,000,000. This bill provides savings below the budget estimate of $475,000,000. This will not make an appreciable reduction in the savings. It will reduce the saving by only $40,000,000. There will then remain a $435,000,000 saving.

While this amendment involves only a few millions of dollars, I think it is perhaps one of the most significant matters that will be presented to the Congress during this session. I think it may be that the vote on this amendment may be one of the most important votes in this House within a decade. Why would I make that statement? I make that statement because of this fact: If we are willing now to begin a course which leads inevitably to a loss of supremacy in the air; if we begin that course today, we will have taken the first step toward the

disintegration of the Air Forces, toward the loss of our power in the air, and in the world; toward national peril, fear, and insecurity. If we cut the funds for the airplane-procurement program for the Air Forces below the sum requested by the President; if we take this step today, mark you well in succeeding years this vote may possibly be referred to as the beginning of that period of our post-war history that led to World War No. III. We must not go in that direction.

The readers of history can look back and see that following World War I we began to impoverish our Air Forces, impoverish our Army and Navy. We know that one of the major reasons why war struck us in the 1940's was that we had impoverished ourselves and did not have the respect of those nations which only understood the language of force.

Of course, I agree with the chairman of the Committee on Armed Forces when he says in effect, "Let us not reduce the authorized strength of the Army for the present; it is dangerous business." By the same token, it is dangerous business to reduce the power of the Air Forces. We are dealing with countries that understand most of all and best of all the language of force.

When General Marshall has sat at the conference table in Moscow and elsewhere, those who sat across the table from him looked beyond him to the power of the Nation which he represented. If they look beyond General Marshall at the conference tables in the future and think or say, "Why, General, you do not represent a proud Nation that had the world's greatest Army and Air Forces and the greatest Navy—the military might that won World War II. You represent a Nation that in a military sense is in a period of disintegration and we do not take you too seriously."

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield.

Mr. CHELF. Is it not true that we are today about a third-rate nation insofar as the Air Forces are concerned?

Mr. MAHON. I will not have the time to discuss the details of that question. There are some who question the supremacy of our Air Forces. I do know that the Air Forces came before us and asked for money for 932 planes. Later they advised that the funds they requested would provide only 749 planes. The action of the committee in reducing the request for planes by the sum of $40,000,000 has cut it further. The $40,000,000 cut represents a loss of 188 combat aircraft. So out of the money in this bill we could construct but 561 planes. Think of it. A great Nation like ours and a meager aircraft program like that. Think of how big we talk and how little will become the stick which we carry, if we start today a course which will lead to the disintegration of our Air Forces. We must not start that downward course.

We project our interests over into the Mediterranean Sea and Congress votes $400,000,000 for Greece and Turkey. I am only asking that you restore 10 percent of $400,000,000, the sum $40,000,000 for our own United States Army Air Forces.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Yes; I am only asking that we restore to this bill $40,000,000, which would be merely 10 percent of the Greek-Turkish loan. If we are going to talk with power and persuasion in the councils of the world, let us talk in that language knowing that we possess the power to back up the firm language which we speak.

There are those who will say, "But the Air Forces have more than $400,000,000." Certainly. They will have in excess of $1,000,000,000 for the airplane-production program for last year, this year, and next year. The planes that are provided for in this bill will not come off the assembly lines for about 2 or 3 years.

As I pointed out to the House yesterday, we must keep up our plane-procurement program, this program of manufacturing military aircraft at a reasonably steady flow, if we are to do other than invite disaster to the military aviation industry of this country.

There is some confusion in the House of Representatives at the moment and there may be some who do not hear my voice. What we say is perhaps not important, but what we do on this matter today will be heard around the world. Other nations are watching America, and they will quickly become aware of whether we are willing to stand by our Air Forces or whether we begin today to chop away at the foundations of the greatest air force in the world.

If other nations observe that Congress a few months after the end of World War II denies the plea of the Air Forces and the President for 742 planes, the number requested this year, they will have cause to feel that America is on the road to military weakness. Other nations may well feel that the likelihood of World War III is increased and that freedom-loving people are approaching a time of peril and fear. Such a downward course of action shall not be taken with my vote.

The number of planes provided for in this bill is fewer than the number of planes provided for in the Navy bill. We provided 575 planes for a much smaller force in the Navy, but this bill provides only 561 planes for the Army. I say to you that the number of planes provided in both these bills is inadequate. Instead of weakening our Air Forces we ought to be increasing their power.

The statement made by the able gentleman from South Dakota yesterday should not go unnoticed by those who are thinking seriously on this amendment which may mark the turning point in the Congress on the question of national defense. The gentleman, as will be shown by the RECORD, said yesterday:

> As the gentleman knows, because he was in the committee, I was not enthusiastic about this particular reduction at this time.

If the gentlemen who have studied this legislation, as the gentleman from South Dakota has, have some misgivings about it, I assure you that there is ample reason why all Members should have some misgiving about taking the responsibility of reducing the airplane-procurement program by 20 percent in numbers below that requested by the Air Forces and the Bureau of the Budget. It is a step that America cannot afford to take in this critical hour in our history. I trust that Members on both sides of the aisle will forget any partisanship. It will be all right to be conscious of economy, because $40,000,000 spent here and the policy established here may eventually contribute to the saving of billions of dollars, because it will indicate the trend of America in the field of national defense in the years that are to come. But if we take this first step toward becoming a second-rate power today it will be a very sad day in our history and in the history of the world. We must not take it, and I hope the House will approve my amendment.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ENGEL of Michigan. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. MAHON].

Mr. Chairman, it is passingly strange to me that it makes a difference as to who does the cutting. I was very much interested in the statement of my very dear friend and colleague, also coworker, the gentleman from Texas [Mr. MAHON], who has just addressed you so eloquently. However, I want to call your attention to the fact that the President of the United States transferred $30,000,000 in airplane money to pay of the Army out of the 1947 Appropriations Committee bill. I did not hear anyone, not even the gentleman from Texas, say one word in protest. The $401,000,000 which the committee gave to the Air Forces for the present fiscal year was cut down to $371,000,000.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from Texas.

Mr. MAHON. I am advised by General Rawlings, budget officer of the Air Forces, that recent savings which have been effected will mean that the Air Forces will not lose any money in the amount approved by the Congress for the airplane procurement program for the fiscal year 1947. The action of the President, of course, in recommending certain savings, was later approved by the Congress.

Mr. ENGEL of Michigan. That is not the testimony before the committee.

The President cut $75,000,000 from the budget on research and development. Let us see what Gen. Curtis E. LeMay, former commander of the Twentieth Air Force, said. He said when that $75,000,000 cut came, and which the President made, it was the straw that broke the camel's back.

Did I hear a protest from the gentleman from Texas? Did I hear any squawks? I did not even hear a squeak or a squeaklet. He took $135,000,000, Mr. Chairman, from the Air Forces that we had given them and transferred it over to pay of the Army. I did not hear

any squawk or a squeak or squeaklet, not even from the gentleman from Texas, my very dear and good friend. So it makes a difference, Mr. Chairman, as to who does the cutting.

Let us see what we have. I was told by the War Department that we are going to have 632 planes out of the 1948 funds as reduced. The gentleman from Texas says 580. He spoke about Navy planes. The question is not the number of planes. You can cut that down to 500 or 400 if you consider nothing but fighters, not heavy bombers. It is a question of amount of money.

Mr. Chairman, when you talk about airplanes for the Navy, you are talking about carrier planes. You are not talking about the B–36's which cost millions of dollars.

The 1948 Air Forces budget provides for $440,000,000 for airplanes, spare engines, and spare parts as against $371,000,000 the President left them after cutting off $30,000,000. Your committee reduced this amount to $396,000,000 or $25,000,000 more than they had left after the President's cut. We gave them $145,000,000 for research and development, all in 1948.

The Air Forces, Mr. Chairman, will have for 1948 $3,372,330,000 in all, or 56 percent of the total appropriated and contract authorization budgets of the Army.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ENGEL of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL of Michigan. Pay comes out of finance of the Army. Rations, clothing, and subsistence comes out of the Quartermaster. Various other items come from other services. But, the total for the Air Forces for 1948 is $3,752,000,000, 56 percent of the total Army budget. Let us see what they have in planes. They have 30,566 complete aircraft, 60,000 motors and spare parts, the inventory price of which is over $7,000,000,000. If these are not the latest wartime planes, Mr. Chairman, it is because the Army gave too many away. They have a backlog of 1945 production money amounting to $342,000,000 with 733 planes to be delivered. They have $288,000,000 of 1946 production money and $371,000,000 of 1947 production money. If this bill is passed as reported, they will have $396,000,000 for the fiscal year 1948, or $25,000,000 more than they had left in 1947 after the President took $30,000,000 from them. All for the latest and most modern planes. For heaven's sake, what do they want? I am getting tired of having the Executive, Mr. Chairman, cut airplanes, research, and the Army funds with nobody saying a word—but when the Congress tries to make a cut, immediately a cry goes to high heaven that we are wrecking the Air Forces. Did I hear any of my Democratic brethren object? When the Secretary of War, Mr. Chairman, cut the Air Forces from 401,000 to 375,000—and that is his testimony—did I hear any squawk or squeak or squeaklet from anybody? Not one word was said; ot one solitary word.

Mr. Chairman, I want to express my profound gratitude to the Democratic members of the committee, including the gentleman from Texas [Mr. MAHON]. I want to express my profound gratitude to the other gentleman, particularly to the gentleman from North Carolina, Judge KERR, and say that this is not a political question. The decision on this question was not made on a political basis. We were practically evenly divided insofar as party was concerned. I ask the committee to stand by this bill as it is. The committee worked hard on it. When you talk in terms of percentages as to the amount of the cut, it is a mighty small cut for them to take, Mr. Chairman. I believe in an air force. I know the Air Forces. I know them from A to Z. I have worked on that ever since 1937. I want a good national defense, Mr. Chairman. I went through the dark days of Dunkirk when we gave everything we had to England; we had to. We did not have enough powder to wad a shotgun to carry on an offensive for 1 day on one front, and I sat there sweating blood. I want an adequate national defense, and I believe we can have an adequate national defense, under this bill as it is. I have been criticized because the cut was not enough; because the Navy had an 11 percent cut and this is 8.3.

Mr. Chairman, we took every item separately and voted on it. No one considered what the Navy did. That had nothing to do with it, Mr. Chairman.

Mr. Chairman, I ask that this House stand by the committee.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. The question was asked by the gentleman from Texas as to whether our Air Forces were not a third-rate air force in the world. I would like to ask approximately the same question of the chairman of the committee. How does our air force compare with the air force of Russia and the air force of Great Britain?

Mr. ENGEL of Michigan. As far as Great Britain is concerned, we have a complete interchange of scientific knowledge and have had all during the war, so we are on a par with research and development. I know that we have more planes than they have. I do not know what the production is.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ENGEL of Michigan. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL of Michigan. As I said on the floor of the House yesterday, if someone, I do not care who he is or where he is, can tell me how we can get information or tell us a system or method of getting information as to what Russia is doing behind her iron curtain, he will make a great contribution toward the national defense of this Nation. No one knows what Russia has.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. ENGEL of Michigan. I yield to the gentleman from Kentucky.

Mr. CHELF. Why should we take any chances? If we do not know what Russia has, why should we take any chances by cutting our Air Forces? That is all the more reason we should be careful about it.

Mr. ENGEL of Michigan. The same argument the gentleman makes would have us have an Air Forces production program of $3,000,000,000. I know Russia does not have what we have.

Mr. CHELF. How does the gentleman know that she does not have?

Mr. ENGEL of Michigan. Because she did not have it during the war.

Mr. CHELF. The gentleman cannot be too sure of it. They are manufacturing day and night over there.

Mr. ENGEL of Michigan. We know that Russia at the conclusion of the war had an ineffective air force, because of what happened? If it had not been for our Air Forces at the end of the war they would have had a terrible time. The hearings before our committee showed time and again that it was our Air Forces that destroyed the material behind the German lines. If conditions in the air force in Russia are known to the gentleman, I would like to know where he gets his information. There is not any information on Russia. We are trying to find out now what her air force is.

Mr. CHELF. I repeat that we should not take a chance.

Mr. KILDAY. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Chairman, it may be true that the budget officer of the War Department is in the gallery, but I think it is quite apparent that the manicured and tailored gentlemen who were here last week speaking as farmers are not here today. I think you will also be aware of the fact that the polyglot, nondescript CIO's who have prowled our halls and our private offices are not here today. We come now to a question which concerns the well-being of our Nation and that alone. The way you decide on the question involved here will be dictated by the voice of conscience and patriotic devotion to your country without regard to the pressure groups that might come forward. This is a matter between you and your conscience.

I have been amazed today at the manner in which history repeats itself. I remember so well back in 1939 when the Committee on Military Affairs brought out a bill authorizing 5,500 airplanes for the entire Army, training planes, bombers, fighter planes, and what not, and we wrangled here for days and days and in conference for weeks about whether it should be 3,400 or 5,500. On that occasion I saw some of my very dear friends on this side of the aisle go off supporting

3,400 airplanes. They went off on that point following gentlemen who spoke here and who got very red in the face, who knew what the condition was in Europe better than the administration or the State Department or the War Department.

One of those gentleman said that he had better information from the inside of Germany than the Government of the United States had and there would be no war in Europe, and yet it was a matter of only weeks before the war which he denied would take place was very much in existence.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. TABER. Does the gentleman understand that at that time none of these 5,500 planes were built and that the proposition to cut the 1,900 planes was accompanied by a proposal to add $10,000,000 for a research fund which was beaten by many of you people voting against it and as a result the flying program was delayed almost a year?

Mr. KILDAY. Let me give you the facts. The gentleman is entirely in error. The point was that under the training program there would not be air crews sufficient to man the 5,500 airplanes, but there would be air crews sufficient, and many of you recall it, to man 3,400 of them, and the 2,100 were to be in reserve and held as auxiliaries. That was the issue that we fought out at that time. I cannot yield further to the gentleman.

Mr. TABER. There were no designs ready to build the planes and none of those were built.

Mr. KILDAY. When you argue that, you kill the opposition to this amendment. I want you to know that not one airplane, the designs for which went on the drawing boards after Pearl Harbor ever took part in the last world war. Understand that. I will say it again. Not one airplane the designs for which went on the drawing boards after Pearl Harbor ever participated in the last war. The point is that you must first have your experimentation and development. Then you must develop your industry, so that they will have experience in quantity production. Then you have to get young men to fly these jet-propelled planes and should we ever get to atomic-energy-propelled planes the men must be trained as well for that. You must develop your industry and personnel as well as have your scientific research and development.

But I said a while ago about how some of my very good friends here went off following the 3,400 plane idea on the assurance of men whose faces were very, very red and whose tempers rose quite high. I was with them in Namur, Belgium, in 1944. We stood there listening to one of those tremendous bomber raids that passed over from England on its way into Germany in those final attacks that knocked Germany out of the war. Raids consisting of about 1,000 bombers and escort planes bringing the total number to more than 3,400 planes. I thought I detected upon their faces a rather sheepish look. I do not believe that those friends of mine are going to go off again today on a thing of the same character backed by the same type of argument.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KILDAY. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. The figures that the War Department submitted through the Bureau of the Budget contemplated 932 aircraft for a 400,000-man air force. I should say on the face of it that that would be a minimum. But by the time the bill reached here the number of planes that amount of money would have bought, because of the increase in price, had been reduced to 749 planes. The bill proposes to give the Army Air Forces, which is stabilized at 400,000 men, 561 airplanes. Are you going to be able to vote to cut the production of airplanes in this great Nation which has said that we are going to stop communism at the borders of the countries into which communism is trying to intrude itself? Are you going to say to the people whom you expect to stand up against communism, against Russia, if you please, that this great powerful Nation, is going to cut the production of airplanes? Are we going to say to the Russian Bear that we are now producing planes at the tremendous rate of 561 a year, including fighters, bombers, and what not.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. MITCHELL. You mention the figure 500 planes.

Mr. KILDAY. I said 561.

Mr. MITCHELL. Why do you not say whether they are fighters or whether they are $5,000,000 bombers?

Mr. KILDAY. I will ask that you tell me that. I yield to the gentleman to tell me that.

Mr. MITCHELL. I am asking you to tell me.

Mr. KILDAY. Yes, of course, you do not know; yet, you are going to vote to cut it down to 561 airplanes, even though they be puddle-jumpers. You do not know and you are willing to vote to cut it down.

Mr. MITCHELL. I know they are not puddle-jumpers. I know that you are trying to confuse the issue.

Mr. KILDAY. I leave that to the gentlemen who have served with me longer and who know my reputation for confusing the issue. But I do submit that the powerful United States is going to be held up to the world now as the protector of small nations against communism, as the great Nation which produced 561 airplanes, bombers, if you please, or 561 fighters.

I would not vote to appropriate money for the large-scale production of even B–29's. Whether some of you think otherwise or not, I still think it is the best heavy bomber in the world. I would not vote for a dollar for the production of P–51's or P–47's, but I do know our jet-propelled planes did not get into the last war because we did not get started on their production and their use in time. I know that atomic energy may be or may not be susceptible of such use, but I see where Willi Messerschmidt said we had approached him, as the greatest aeronautical engineer of Germany, to come here and work on atomic-propelled airplanes. I do not know whether his statement is true or whether he is coming or not. If he does not do it, somebody ought to. All I know is that my own country cannot afford in these crucial hours to say that 561 airplanes is the maximum production we are going to have during the ensuing year. I hope the amendment is adopted.

The CHAIRMAN. The time of the gentleman from Texas [Mr. KILDAY] has again expired.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I think we ought to consider some aspects of the aircraft industry itself and to realize a few of the basic facts.

In the first place, the air-frame industry is divided into two general parts. There is, first, that section which produces a very large number of small-type aircraft, generally for personal use. That includes the airplanes such as the Piper Cub and all the rest of those planes which are relatively quite small. The balance of the air-frame industry is the part that produces the metal aircraft, built for special performance, whether it be of the fighter type or the bomber type, the cargo- or passenger-carrying transport type. There are also the instrument, accessory, and radio manufacturers, without whose efforts toward production, the entire industry must fail.

The engine industry is similarly divided into two sections: First, that section which produces the small-type engines for the planes first mentioned; and, secondly, that section which produces the large-type engines for the military and transport types.

In the engine industry we have two principal reciprocating engine companies, Pratt & Whitney and Wright. Engaged in the manufacture of jet aircraft engines, we have the General Electric Co. and the Westinghouse Co. I understand that Pratt & Whitney is soon to engage in jet-engine manufacture also under British license.

In the jet field it is acknowledged by all concerned that the British are about 2 years ahead of the United States in the design and manufacture of the jet-type engines. That was testified to before our committee in its consideration of our air-navigational problems, and we are very well aware of it. We are also well aware of another thing, namely, that the British have sold 100 of their best and most modern-type engines to the Soviet Government. It is also well known that several hundred of the very finest scientists and engineers who worked for the Nazi Government have been taken inside Russia, and many of them are now working on the improvement of the jet engine.

As I said, many of the former German scientists are now working for the Soviet Government in the improvement

of that engine, which is already 2 years ahead of ours. We have had to even go so far as to take a license from the British for the manufacture of their advanced jet-type engines. The Pratt & Whitney Co., I understand, is now taking over that license to manufacture the British jet engines.

Mr. ENGEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. ENGEL of Michigan. If this bill passes, the Air Forces will have available for research and development with 1948 and prior year funds $553,000,000 to take care of exactly what the gentleman is speaking about. There was not one dollar for research and development, there was not one employee—and they have 7,000 employees in research and development—that was cut out of the Air Forces.

Mr. HINSHAW. I appreciate very much the gentleman's statement. It is no doubt correct, and I think the amount of funds requested of and allowed by the committee are quite appropriate under the circumstances. I have no argument to make on that score.

I want to recall a time when a number of us were here, the years 1939 and 1940. We came here one morning and found that the United States had on hand and on order a certain amount of military equipment. About 95 percent of it was on order and 5 percent on hand. The Members who were here then will remember that we had on hand something like 1,952 military aircraft. Of that 1,952 military aircraft that were on hand in our Air Forces, exactly 52 of them—the then model of the B–17—were fit for combat duty. We started this last war with 52 then modern aircraft, although we had some 1,900 obsolete aircraft on hand. I think no one will disagree with that statement.

I do not care how many planes we have on hand that were left over from this last World War, there is hardly one of them that is fit to serve in any national defense effort that we may have to exert in the near future. We have a few jets, some P–80's that happen to be made in my own part of the United States, that are now being used for test and training purposes by the Army, but beyond the P–80 there is the P–82, the P–83, and the P–84. When it comes to bombers the B–29 is now a medium-type bomber that is no longer the largest type. There is the B–35, the B–36, the B–45, the B–46, the B–47, and the B–48, which have jet-type propulsion motors.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Some time ago it was the privilege of my committee to visit the installation at Muroc Dry Lake where tests are made on modern type aircraft. We saw the B–46 that was undergoing tests in 1947. It is a prototype aircraft. It is not yet in production; as a matter of fact all of the tests on it are not completed. But, remember, that is a class of aircraft we need to have in production. We also saw the B–35 and the B–36 and other aircraft that were there. Those are going to be the aircraft of the near future. In that case we should have no further use for the types we used in the past World War. They are obsolete. I do not care how many of them we might have in storage, they are not going to be of much use to us except on a temporary basis in any emergency of the immediate future. We might just as well give them to China or Siam or any other nation that wants to train its fliers to operate them. The safety of the United States will largely depend on keeping up the production facilities for the modern type of aircraft. The modern aircraft-production industry cannot be turned off and on like a spigot; it needs 5 years to develop an airplane. When you shut down the aircraft industry it will take 2 years to get it going again. And I tell you this right here and now, there is no nation who might feel like becoming an aggressor in this world who does not know that if it is going to be successful it is going to have to attack the United States first this time, not last; and I think that it is up to the United States for the protection of the peace of the world to maintain its aircraft industry and its production at the highest possible peacetime rate.

I appreciate the necessity for research and development; it is absolutely necessary, but you must keep your production lines going, you have got to keep them going or your trained and skilled personnel in that industry are going to drift away from it and the industry itself will then bog down. To keep this industry up to a point sufficient to support the needs of national defense requires that they build 3,600 planes a year for the armed services. You have now got it cut down to about 1,200. Remember that in the event of a national emergency you cannot turn the aircraft industry on and off like a spigot and have them begin at once to turn out jet-type aircraft; it is an industry that has to be kept going at an operating level all the time. If you think otherwise you are crazy, and I do not mind telling you so.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. RIVERS. Does the gentleman believe this bill is adequate to keep the industry going in performing condition?

Mr. HINSHAW. That I do not believe. I will just say this, that the President cut funds from the appropriation made last year for the production of airplanes and transferred the funds to other uses.

I do not know why my side of the committee did not protest against that cut as well as the other side. I think both sides should have protested it and hollered to high heaven about those transfers that were made by the President.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I would suggest that the gentleman read the hearings and he will find that some Members on his side of the aisle have several pages in the record calling attention to what that cut was and what it did.

Mr. HINSHAW. I appreciate that. I have not had the time to read 1,600 pages as carefully as I should. I have only been able to glance through them, but I appreciate the viewpoint because it is correct, as the gentleman has stated it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WORLEY. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I thought that the Congress of the United States had at last learned what we should have learned after the First World War and certainly what we should have learned from our experience before and during World War II, that is the near-fatal philosophy of too little too late. It seems to me that we are repeating today, or at least this is one of the first steps in repeating, that same dangerous philosophy of not having enough when we need it.

A good bit of discussion has been had about the relative strength of our own Air Forces compared with those of other countries of the world. I do not know how absolutely accurate the statement is I am going to read to the Committee, but it was carried in the Washington Post on or about April 10, 1947, as a news item. It is reported by the United Press, which is a reliable news-gathering association, and it reads as follows:

SOVIET PLANE OUTPUT SET AT 100,000

Russia will produce 100,000 military and civilian planes this year and is fast overcoming American air dominance, Collier's magazine reported last night.

Soviet figures disclosed in the article exceed America's wartime best and virtually triple this country's 1946 output.

Reporting "Soviet leaders are staking everything on air preparations," the article said Russia has shifted emphasis from fighters to bombers.

The 100,000 figure compares with 36,204 planes produced here in 1946. In 1944, America, fully mobilized, produced 96,369 military planes.

The article reported the Red civil air fleet has become a "Kremlin pet," under Air Marshal Fedor Astakhov. Air lines in satellite countries have Russian financial, equipment, and technical aid, with the surviving personnel of the old German air lines, Deutsche Lufthansa, now working for Russia, it said. They work with a "bottomless purse."

The satellites, it said, obtain air agreements with America, paving the way for Russian-dominated air lines to fly here without permitting our lines to enter Russia.

I hope the Committee will pay particular attention to the concluding paragraph:

The Red air force was said to have 10 airborne divisions and plans for 35. The United States has one.

We cannot make a mistake, Mr. Chairman, today, in supporting the amendment offered by the gentleman from Texas, but I am firmly convinced that we will make a serious mistake if we reject this restitution of the aircraft for which the War Department is pleading.

Mr. RIVERS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a member of the Armed Services Committee, I, like you, feel my responsibility in the passage of this bill and its over-all effect on us now and in the future. I want you to know that the source of my information is the source where the Committee on Appropriations gets theirs. We had the same access to records as did the Committee on Appropriations, and surely we have the same responsibility as any committee or any Member of Congress. At the same time, I fully realize that our sincerity and our patriotism are no better than yours.

The passage of this bill today will determine what we will have by way of air strength and by way of an Army, so far as that is concerned, in the future. We know from experts that today we are No. 3 with an air force, and in a little while we are going to vote for "uniexpansion," not "unification." We will have a separate air force, I hope, and we will not be content to have a third-rate air force. Your vote today will determine where you are going tomorrow. If you are satisfied with a third-rate air force, vote to dismantle it. We did a pretty good job sinking the Navy the other day. For God's sake, do not shoot down all of our airplanes by your vote today.

Remember this, that you have to have an air force in this country that can strike a long ways off immediately. It has always got to be in readiness. As the distinguished gentleman from Texas told you with a master's voice, not one airplane that was designed after Pearl Harbor ever got in the air. The B–29's never got to Europe; the few we had went to the Pacific. It takes about 5 years to get an airplane in the air, and those now on the drawing boards, the prototype airplanes, will never satisfy the needs.

My good friend from North Carolina, the Honorable CARL DURHAM, when he came back from Europe recently, told us an alarming story regarding a great airplane installation, a missile factory, 32 miles underground. That airplane factory was tunnelled by the resourceful Germans 32 miles underground, rock-ribbed and secure. Every inch of that V–2 factory fell into the hands of the Russians, with the know-how that goes with it, and it is loaded to the gills with machinery that came from Milwaukee. Those Russians have the know-how on guided missiles, they have the know-how on jet-propelled airplanes. I know, if you can believe anything the people in the Air Forces tell you, that we are behind on the jet airplane. These are straws in the wind. We are paying those fellows and they had better be telling the truth. I for one prefer to believe them.

We hear a lot about the GI's who served in this war and served gloriously. Many of them flew, like my good friend from Mississippi. I hope some of them will get up here and tell us.

I am not satisfied with this bill. I believe it is bad. I do not care what you say about the interchange of scientific development, I know that those who are in charge of scientific development out there at Wright Field in Ohio are not satisfied.

I do not care what President Truman did by way of his rescission of $500,000,000. That is his responsibility, but I tell you today it is my responsibility, today it is mine, and I propose to vote against dismantling our Air Forces. I am not satisfied with this bill. I believe we need more money. On any occasion where I can vote to give them more, I propose to do it. I do not think 561 airplanes are enough. I do not think a willingness to give them more is enough. The thing to do is to give it to them, because when they strike they are going to strike hard and fast. Let us have an airplane ready to strike a lot further away than anybody has had an airplane or guided missile go. If you do that, your responsibility will have been discharged and discharged well. The question is, where do you want to stand? As far as I am concerned, I want to stand where I know that my responsibiilty has been carried out. I tell you, in the next war, he who comes out second will not come out at all.

Mr. JOHNSON of California. Mr. Chairman, I move to strike out the last 7 words.

Mr. Chairman, the trouble with frittering away the money we must have for airplanes to be adequately prepared, is that you will never know your folly until long after we have left this House. I saw a little air force in the First World War, which I thought would be the pattern for what would be future warfare if we ever had another war. I came out of the first war firmly convinced that the world's great nations would never engage in a folly like war again during my lifetime. I lived to see the day when the American Air Force became the spearhead of our entire defense system. It is the planes that will turn the victory, as numerous speakers have mentioned here today. It takes a long time to build an airplane. The B–29 got out of the blueprint stage in 1935 but they were not on the front until 1944. The unborn planes and plans that were in our laboratories and factories at the end of this war are the ones that are going to come out in the near future.

One point I want to make to you today is that I am convinced to the point of an obsession, that measured by the present destructive capacity of the human race and the armies and navies today the world cannot stand another war. You and I know the world is still governed by force. The big men of the large nations will listen to the representative of a nation that has force behind it, stark, brute, military and industrial force. When our Secretary of State talks, his words are exactly as convincing or exactly as weak as we are strong or we are weak in a military way. We must take advice from the men who have the trusteeship of our national defense, whose duty it is to provide the protection of our national life against any aggression by any power or combination of powers.

The Air Forces asked for a force of 400,000 men, which was concurred in by the Chief of Staff and the Secretary of War. The request was cut down to 375,000. The same group also asked for over 900 airplanes, and a system of production where we would have continuous production lines that would have no interruption. When you fritter those requests down to five-hundred-plus planes you are liable to destroy that continuous flow of production that is essential in modern warfare and thus lose our industrial potential, as to airplanes, so essential in this air age.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Texas.

Mr. KILDAY. May I ask my friend if he would not agree that when word goes out over the world that our Army people, that is, the administration dealing with those foreign nations, ask for 932 airplanes and wind up with 561, that constitutes repudiation by the Congress of the United States of the people who are trying to be stern with the aggressors of Europe?

Mr. JOHNSON of California. I do not know that it constitutes a repudiation but it is notice to the world that we are disintegrating to a certain extent and that we are not going to back up our strong words with a strong military and production force.

Another point I would like to make to you is that our best gamble for peace and our best gamble to restore peace to a world which is in chaos and trouble and turmoil is for America to remain strong. All the people who have studied international problems tell us that if America remains strong we have the potentiality of leading this troubled world into an era of peace. If we disintegrate we are laying the groundwork for the war that our sons and grandsons may have to fight 20 or 30 or 35 years from today.

As I say, the key to the whole American defense system is the Air Force of the United States. It was the power that brought about victory by mass raids and mass destruction of the production and communications system of Germany, Italy, and Japan. We must be ready in the future. In the future we will not have time to get ready as we did in the last two wars. The troubles of the world will be in our lap at once. There will be no declaration of war. There will be no warning of war until flying over our great American industrial centers we see the guided missiles and the great airplanes that will lay us low with one single blast before we can get ready to defend our country, if we are foolish and weak enough not to be on the alert, ready to defend or strike when the storm breaks.

That is why I am so anxious to see you restore this forty or fifty million dollars. It may be a mere drop in the bucket considering the benefits that we will reap, but it is the amount that we need to keep the Air Force at a strength which the experts on the subject of our national defense, the Air Force officers and Air Force men, tell us is absolutely essential for our national security.

Mr. Chairman, I hope this amendment will be adopted.

Mr. BROOKS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment to restore to the bill the $40,000,000 for airplanes which was taken out of it.

Mr. Chairman, for fully two decades we have fought this same fight—the fight to attempt to depreciate the value of aircraft. Consciously or unconsciously, it has a good deal to do with this particular appropriation today.

I served on the old Committee on Military Affairs, and I am now serving on the Committee on Armed Services of the House. I saw this selfsame fight carried on from the time of the organization of our Air Forces and from the fight of Billy Mitchell to obtain a place in the sun for the Air Forces. The fight has gone on. Back in the thirties we saw the fight in the Congress and in the Committee on Military Affairs to hold down the size of the Air Forces and the number of airplanes.

My good friend and colleague from the State of Texas [Mr. KILDAY] has referred you to the bill which was passed in 1939 authorizing the purchase of 6,000 airplanes as the sum total of airplanes for the Army Air Forces. I recall very vividly the fight which was made then in the Committee on Military Affairs and the fight that was made on this floor. As it has been said, the fight was to reduce that 6,000 airplanes down to 3,500 airplanes. When that effort became a failure, a fight was made to reduce the number from 6,000 down to 5,500, and for a time the bill contained an amendment reducing the sum total of the air strength to 5,500. Then someone presented an amendment which was placed in the bill for a time to stagger the purchase of these airplanes over a period of 5 years so that we would not get our air force loaded down with what they said was the huge number of 5,500 airplanes. All of that time over there in the skies of Europe dark clouds were working up and anyone with any foresight at all could see a war in the offing. Here on the floor of the House in Washington we were fighting over an amendment as to whether or not we would authorize the purchase of 5,500 airplanes at one time or whether we would stagger the purchase of them over a period of 5 years, one-fifth each year.

This fight still goes on. I think unconsciously sometimes and consciously at other times, those who oppose increasing the strength of the air force are doing so to the serious detriment of the safety of our country. The men who today recommend to the Congress the purchase of 932 airplanes are to a large extent the same men who handled our air forces in Europe and in the Pacific during the war. We had confidence in those men as our leaders at that time. They did a magnificent job in Europe. They did a grand job in the Pacific. They were backed up by skilled, trained airmen, and they did the job that was necessary to win. They tell us today that we need 932 airplanes. The sole question before this Congress is, Shall we get 932 airplanes or shall we again depreciate the value of the air service and reduce that number to some 580? That is the question that the Congress has the responsibility for answering today. In the light of history and in the light of the fight that has gone on in the past, we should give the air forces what it says is needed as the irreducible minimum for our air strength.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BROOKS] has expired.

Mr. FISHER. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I asked for this time in order to read a paragraph from a letter which I received last February from a very eminent authority on the subject of national defense in this country. It was learned last February that Lt. Gen. Ira C. Eaker planned to retire on the 15th of June. In response to an expression of regret, he wrote me a letter, one paragraph of which I think it would be interesting for everyone to hear and one which I think every American should read and remember.

As I stated a moment ago, this letter is from General Eaker, who commanded the American Air Forces in the ETO during the war and who is recognized as one of the most brilliant strategists to come out of this war and one of our most distinguished soldiers. I would like to have this expression of General Eaker considered by the House in connection with the pending amendment and this appropriation bill. Of course, it does not refer to any appropriation bill in particular, but it does refer in general to the vital defense and the future security of this country.

I have been a fairly close student for many years of history in the making. This interest and knowledge of the subject were greatly heightened during the years I was abroad in the Second World War. As a result of my analysis of the situation, I am as certain as I am of anything that rough weather lies ahead for our country. I think this may not be entirely because of the antagonism of any foreign power. I believe the lack of interest and concern on the part of our citizens will be a more immediate cause of our undoing. What I see happening today is a clear carbon copy of what happened in the years from 1919 to 1939. I think the result will be the same with this difference. In the First and Second World Wars we were given 2 years or more to gear from a very depreciated peacetime military strength to a tremendous potential for all-out war. Our industrial capacity and our manpower were undisturbed by foreign weapons during that period. The enemy had no weapon which could reach our industrial areas and attack our manpower while we got ready. The next time this fortunate circumstance will not apply. There will be a weapon in the hands of the enemy, the long-range bomber and the long-range guided missile, with which he can attack our industrial cities and depreciate our manpower while we are struggling back from a low level to the height of our potential.

Any aggressor of the future will have learned from the last two world wars that he must attack the United States first and prevent its manpower and weapon-making capacity from building to full scale if he is to win. Therefore, it is inevitable that any war of the future will be heralded by initial attacks by long-range weapons on the factories and cities of the United States. We will never have 2 to 3 years in the future to get ready; we will be cut down before we have that opportunity.

Mr. Chairman, this letter comes from a man who was quoted in the press a few months ago as saying that a second-best air force in modern warfare is of the same value as a second-best poker hand.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield.

Mr. THOMASON. I wish to join my colleague in paying deserved tribute to a great American and a great Texan. The gentleman and I both know the stock from which General Eaker comes. His parents live in the gentleman's district and the general's brother, Claude Eaker, lives in my district at Fort Stockton and we have known the family for many years. I recall that as a young rancher, which General Eaker was before World War I, he enlisted as a private in the armed services in my home city of El Paso, at Fort Bliss. From then until today his rise has been steady and deserved. I regard him as one of the greatest officers who has come out of two world wars, and whether he is in the Army or out of it, he is a great citizen and a great American. He carries with him in his retirement the affection of the people of his native State of Texas and the admiration and gratitude of all the patriotic and peace-loving people of our great Nation.

Mr. FISHER. I thank the gentleman for his contribution. General Eaker, as we all know, has served 30 years quite brilliantly, and in the Air Corps he certainly contributed tremendously to the winning of the war and to the security of this Nation. His views on this subject are worthy of consideration and study by the American people, and will be widely respected now and in the future by all thinking people who are devoted to the future of our country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ENGEL of Michigan. Mr. Chairman, in order to see if we can arrive at an agreement to limit debate on this amendment I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour, the last 10 minutes to be reserved to the committee.

Mr. MAHON. Mr. Speaker, reserving the right to object, how much time will that give the Members wishing to be heard on the amendment?

Mr. ENGEL of Michigan. I have allowed 5 minutes to each Member indicating a desire to be heard.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL of Michigan. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to revise and extend his remarks.

LABOR-MANAGEMENT RELATIONS ACT, 1947

Mr. HARTLEY. Mr. Speaker, I call up the conference report on the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes; and I ask unanimous consent that the statement of the managers be read in lieu of the full report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HOFFMAN. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The comittee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SHORT TITLE AND DECLARATION OF POLICY

"SECTION 1. (a) This Act may be cited as the 'Labor Management Relations Act, 1947'.

"(b) Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other, and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety, or interest.

"It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

"TITLE I—AMENDMENT OF NATIONAL LABOR RELATIONS ACT

"SEC. 101. The National Labor Relations Act is hereby amended to read as follows:

"'FINDINGS AND POLICIES

"'SECTION 1. The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"'The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

"'Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

"'Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"'It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

"'DEFINITIONS

"'SEC. 2. When used in this Act—

"'(1) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

"'(2) The term "employer" includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"'(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

"'(4) The term "representatives" includes any individual or labor organization.

"'(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"'(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"'(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

"'(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

"'(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the associaton or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

"'(10) The term "National Labor Relations Board" means the National Labor Relations Board provided for in section 3 of this Act.

"'(11) The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"'(12) The term "professional employee" means—

"'(a) any employee engaged in work (i) predominantly intellectual and varied in

character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

"'(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

"'(13) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

"'NATIONAL LABOR RELATIONS BOARD

"'SEC. 3. (a) The National Labor Relations Board (hereinafter called the "Board") created by this Act prior to its amendment by the Labor Management Relations Act, 1947, is hereby continued as an agency of the United States, except that the Board shall consist of five instead of three members, appointed by the President by and with the advice and consent of the Senate. Of the two additional members so provided for, one shall be appointed for a term of five years and the other for a term of two years. Their successors, and the successors of the other members, shall be appointed for terms of five years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"'(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

"'(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"'(d) There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices. He shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under section 10 and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board may prescribe or as may be provided by law.

"'SEC. 4. (a) Each member of the Board and the General Counsel of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties. The Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts. No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings, or recommendations. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, or for economic analysis.

"'(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"'SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

"'SEC. 6. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this Act.

"'RIGHTS OF EMPLOYEES

'SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

"'UNFAIR LABOR PRACTICES

"'SEC. 8. (a) It shall be an unfair labor practice for an employer—

"'(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

"'(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided,* That subject to rules and regulations made and published by the Board pursuant to section 6, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

"'(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided,* That nothing in this Act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made; and (ii) if, following the most recent election held as provided in section 9 (e) the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to authorize such labor organization to make such an agreement: *Provided further,* That no employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

"'(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

"'(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

"'(b) It shall be an unfair labor practice for a labor organization or its agents—

"'(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided,* That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

"'(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

"'(3) to refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 9 (a);

"'(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person; (B) forcing or requiring any other employer to recognize

or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9; (C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9; (D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act;

"'(5) to require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected; and

"'(6) to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

"(c) The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

"'(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided*, That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

"'(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

"'(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

"'(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

"'(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later:

The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9 (a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

"'REPRESENTATIVES AND ELECTIONS

"'SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further*, That the bargaining representative has been given opportunity to be present at such adjustment.

"'(b) The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the Board shall not (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation or (3) decide that any unit is appropriate for such purposes if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises; but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"'(c) (1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

"'(A) by an employee or group of employers or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9 (a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9 (a); or

"'(B) by an employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 9 (a);

the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"'(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 10 (c).

"'(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held. Employees on strike who are not entitled to reinstatement shall not be eligible to vote. In any election where none of the choices on the ballot receives a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

"'(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Board.

"'(5) In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling.

"'(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

"'(e) (1) Upon the filing with the Board by a labor organization, which is the representative of employees as provided in section 9 (a), of a petition alleging that 30 per centum or more of the employees within a unit claimed to be appropriate for such purposes desire to authorize such labor organization to make an agreement with the employer of such employees requiring membership in such labor organization as a condition of employment in such unit, upon an appropriate showing thereof the Board shall, if no question of representation exists, take a

secret ballot of such employees, and shall certify the results thereof to such labor organization and to the employer.

"'(2) Upon the filing with the Board, by 30 per centum or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 8 (a) (3) (ii), of a petition alleging they desire that such authority be rescinded, the Board shall take a secret ballot of the employees in such unit, and shall certify the results thereof to such labor organization and to the employer.

"'(3) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held.

"'(f) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless such labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit (A) shall have prior thereto filed with the Secretary of Labor copies of its constitution and bylaws and a report, in such form as the Secretary may prescribe, showing—

"'(1) the name of such labor organization and the address of its principal place of business;

"'(2) the names, titles, and compensation and allowances of its three principal officers and of any of its other officers or agents whose aggregate compensation and allowances for the preceding year exceeded $5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

"'(3) the manner in which the officers and agents referred to in clause (2) were elected, appointed, or otherwise selected;

"'(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;

"'(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

"'(6) a detailed statement of, or reference to provisions of its constitution and bylaws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings, (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor;

and (B) can show that prior thereto it has—

"'(1) filed with the Secretary of Labor, in such form as the Secretary may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year, (c) the disbursements made by it during such fiscal year, including the purposes for which made; and

"'(2) furnished to all of the members of such labor organizations copies of the financial report required by paragraph (1) hereof to be filed with the Secretary of Labor.

"'(g) It shall be the obligation of all labor organizations to file annually with the Secretary of Labor, in such form as the Secretary of Labor may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (f) (A) of this section, and to file with the Secretary of Labor and furnish to its members annually financial reports in the form and manner prescribed in subsection (f) (B). No labor organization shall be eligible for certification under this section as the representative of any employees, no petition under section 9 (e) (1) shall be entertained, and no complaint shall issue under section 10 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

"'(h) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding twelve-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code shall be applicable in respect to such affidavits.

"'PREVENTION OF UNFAIR LABOR PRACTICES

"'SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise: *Provided*, That the Board is empowered by agreement with any agency of any State or Territory to cede to such agency jurisdiction over any cases in any industry (other than mining, manufacturing, communications, and transportation except where predominantly local in character) even though such cases may involve labor disputes affecting commerce, unless the provision of the State or Territorial statute applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this act or has received a construction inconsistent therewith.

"'(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said complaint: *Provided*, That no complaint shall issue based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the 6-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., title 28, secs. 723–B, 723–C).

"'(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this act: *Provided*, That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: *And provided further*, That in determining whether a complaint shall issue alleging a violation of section 8 (a) (1) or section 8 (a) (2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners, as the case may be, shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"'(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"'(e) The Board shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the District Court of the United States for the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in

the court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its members, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

"'(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered, and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"'(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

"'(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order on the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101–115).

"'(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

"'(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any district court of the United States (including the District Court of the United States for the District of Columbia), within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

"'(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the Board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless, within ten days after notice that such charge has been filed, the parties to such dispute submit to the Board satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of, the dispute. Upon compliance by the parties to the dispute with the decision of the Board or upon such voluntary adjustment of the dispute, such charge shall be dismissed.

"'(l) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (A), (B), or (C) of section 8 (b), the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the Board, petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein such person resides or transacts business, for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further*, That no temporary restraining order shall be issued without notice unless a petition alleged that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further*, That for the purposes of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate the procedure specified herein shall apply to charges with respect to section 8 (b) (4) (D).

"'INVESTIGATORY POWERS

"'SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

"'(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party, subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion that evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpena does not describe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"'(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"'(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to

testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"'(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegram receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"'(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

"'(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"'SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

"'LIMITATIONS

"'SEC. 13. Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

"'SEC. 14. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this Act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

"'(b) Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

"'SEC. 15. Wherever the application of the provisions of section 272 of chapter 10 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto (U. S. C., title 10, sec. 672), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

"'SEC. 16. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"'SEC. 17. This Act may be cited as the "National Labor Relations Act".'

"EFFECTIVE DATE OF CERTAIN CHANGES

"SEC. 102. No provision of this title shall be deemed to make an unfair labor practice any act which was performed prior to the date of the enactment of this Act which did not constitute an unfair labor practice prior thereto, and the provisions of sections 8 (a) (3) and section 8 (b) (2) of the National Labor Relations Act as amended by this title shall not make an unfair labor practice the performance of any obligation under a collective-bargaining agreement entered into prior to the date of the enactment of this Act, or (in the case of an agreement for a period of not more than one year) entered into or after such date of enactment, but prior to the effective date of this title, if the performance of such obligation would not have constituted an unfair labor practice under section 8 (3) of the National Labor Relations Act prior to the effective date of this title, unless such agreement was renewed or extended subsequent thereto.

"SEC. 103. No provisions of this title shall affect any certification of representatives or any determination as to the appropriate collective-bargaining unit, which was made under section 9 of the National Labor Relations Act prior to the effective date of this title until one year after the date of such certification or if, in respect of any such certification, a collective-bargaining contract was entered into prior to the effective date of this title, until the end of the contract period or until one year after such date, whichever first occurs.

"SEC. 104. The amendments made by this title shall take effect sixty days after the date of the enactment of this Act, except that the authority of the President to appoint certain officers conferred upon him by section 3 of the National Labor Relations Act as amended by this title may be exercised forthwith.

"TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE; NATIONAL EMERGENCIES

"SEC. 201. That it is the policy of the United States that—

"(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

"(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes; and

"(c) certain controversies which arise between parties to collective-bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees in formulating for inclusion within such agreements provision for adequate notice of any proposed changes in the terms of such agreements, for the final adjustment of grievances or questions regarding the application or interpretation of such agreements, and other provisions designed to prevent the subsequent arising of such controversies.

"SEC. 202. (a) There is hereby created an independent agency to be known as the Federal Mediation and Conciliation Service (herein referred to as the "Service", except that for sixty days after the date of the enactment of this Act such term shall refer to the Conciliation Service of the Department of Labor). The Service shall be under the direction of a Federal Mediation and Conciliation Director (hereinafter referred to as the "Director"), who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business, vocation, or employment.

"(b) The Director is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make such expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for that purpose.

"(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this Act to any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for cooperation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year.

"(d) All mediation and conciliation functions of the Secretary of Labor or the United States Conciliation Service under section 8 of the Act entitled 'An Act to create a Department of Labor', approved March 4, 1913 (U. S. C., title 29, sec. 51), and all functions of the United States Conciliation Service under any other law are hereby transferred to the Federal Mediation and Conciliation Service, together with the personnel and records of the United States Conciliation Service. Such transfer shall take effect upon the sixtieth day after the date of enactment of this Act. Such transfer shall not affect any proceedings pending before the United States Conciliation Service or any certification, order, rule, or regulation theretofore made by it or by the Secretary of Labor. The Director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor.

"FUNCTIONS OF THE SERVICE

"SEC. 203. (a) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation.

"(b) The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

"(c) If the Director is not able to bring the parties to agreement by conciliation within a reasonable time, he shall seek to induce the parties voluntarily to seek other means of settling the dispute without resort to strike, lock-out, or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the Director shall not be deemed a violation of any duty or obligation imposed by this Act.

"(d) Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement. The Service is directed to make its conciliation and mediation services available in the settlement of such grievance disputes only as a last resort and in exceptional cases.

"SEC. 204. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

"(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

"(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

"(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service under this Act for the purpose of aiding in a settlement of the dispute.

"SEC. 205. (a) There is hereby created a National Labor-Management Panel which shall be composed of twelve members appointed by the President, six of whom shall be selected from among persons outstanding in the field of management and six of whom shall be selected from among persons outstanding in the field of labor. Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. Members of the panel, when serving on business of the panel, shall be paid compensation at the rate of $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

"(b) It shall be the duty of the panel, at the request of the Director, to advise in the avoidance of industrial controversies and the manner in which mediation and voluntary adjustment shall be administered, particularly with reference to controversies affecting the general welfare of the country.

"NATIONAL EMERGENCIES

"SEC. 206. Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public.

"SEC. 207. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"(b) Members of a board of inquiry shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

"(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

"SEC. 208. (a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

"(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

"(b) In any case, the provisions of the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be applicable.

"(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification provided in sections 239 and 240 of the Judical Code, as amended (U. S. C., title 29, secs. 346 and 347).

"SEC. 209 (a) Whenever a district court has issued an order under section 208 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the Service created by this Act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

"(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a sixty-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employer's last offer of settlement. The President shall make such report available to the public. The National Labor Relations Board within the succeeding fifteen days, shall take a secret ballot of the employees of each employer involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him and shall certify the results thereof to the Attorney General within five days thereafter.

"SEC. 210. Upon the certification of the results of such ballot or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the ballot taken by the National Labor Relations Board, together with such recommendations as he may see fit to make for consideration and appropriate action.

"COMPILATION OF COLLECTIVE-BARGAINING AGREEMENTS, ETC.

"SEC. 211. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of all available collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes. Such file shall be open to inspection under appropriate conditions prescribed by the Secretary of Labor, except that no specific information submitted in confidence shall be disclosed.

"(b) The Bureau of Labor Statistics in the Department of Labor is authorized to furnish upon request of the Service, or employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor dispute, except that no specific information submitted in confidence shall be disclosed.

"EXEMPTION OF RAILWAY LABOR ACT

"SEC. 212. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

"TITLE III

"SUITS BY AND AGAINST LABOR ORGANIZATIONS

"SEC. 301 (a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this Act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

"(b) Any labor organization which represents employees in an industry affecting commerce as defined in this Act and any employer whose activities affect commerce as defined in this Act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

"(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which

its duly authorized officers or agents are engaged in representing or acting for employee members.

"(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"(e) For the purposes of this section, in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

"RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

"SEC. 302. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are employed in an industry affecting commerce.

"(b) It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

"(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court of a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided*, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; or (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of the employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities.

"(d) Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or to imprisonment for not more than one year, or both.

"(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section, without regard to the provisions of sections 6 and 20 of such Act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (U. S. C., title 29, secs. 101–115).

"(f) This section shall not apply to any contract in force on the date of enactment of this Act, until the expiration of such contract, or until July 1, 1948, whichever first occurs.

"(g) Compliance with the restrictions contained in subsection (c) (5) (B) upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreement prior to January 1, 1946, nor shall subsection (c) (5) (A) be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits.

"BOYCOTTS AND OTHER UNLAWFUL COMBINATIONS

"SEC. 303. (a) It shall be unlawful, for the purposes of this section only, in an industry or activity affecting commerce, for any labor organization to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is—

"(1) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person;

"(2) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

"(3) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

"(4) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class unless such employer is failing to conform to an order or certification of the National Labor Relations Board determining the bargaining representative for employees performing such work. Nothing contained in this subsection shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under the National Labor Relations Act.

"(b) Whoever shall be injured in his business or property by reason of any violation of subsection (a) may sue therefor in any district court of the United States subject to the limitations and provisions of section 301 hereof without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

"RESTRICTIONS ON POLITICAL CONTRIBUTIONS

"SEC. 304. Section 313 of the Federal Corrupt Practices Act, 1925 (U. S. C., 1940 edition, title 2, sec. 251; Supp. V, title 50, App., sec. 1509), as amended, is amended to read as follows:

"'SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other persons to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.'

"STRIKES BY GOVERNMENT EMPLOYEES

"SEC. 305. It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency.

"TITLE IV

"CREATION OF JOINT COMMITTEE TO STUDY AND REPORT ON BASIC PROBLEMS AFFECTING FRIENDLY LABOR RELATIONS AND PRODUCTIVITY

"SEC. 401. There is hereby established a joint congressional committee to be known as the Joint Committee on Labor-Management Relations (hereafter referred to as the committee), and to be composed of seven Members of the Senate Committee on Labor and Public Welfare, to be appointed by the President pro tempore of the Senate, and seven Members of the House of Representatives Committee on Education and Labor, to be appointed by the Speaker of the House of Representatives. A vacancy in membership of the committee shall not affect the powers of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original selection. The committee shall select a chairman and a vice chairman from among its members.

"SEC. 402. The committee, acting as a whole or by subcommittee, shall conduct a thorough study and investigation of the entire field of labor-management relations, including but not limited to—

"(1) the means by which permanent friendly cooperation between employers and employees and stability of labor relations may be secured throughout the United States;

"(2) the means by which the individual employee may achieve a greater productivity and higher wages, including plans for guaranteed annual wages, incentive profit-sharing and bonus systems;

"(3) the internal organization and administration of labor unions, with special attention to the impact on individuals of collective agreements requiring membership in unions as a condition of employment;

"(4) the labor relations policies and practices of employers and associations of employers;

"(5) the desirability of welfare funds for the benefit of employees and their relation to the social-security system;

"(6) the methods and procedures for best carrying out the collective-bargaining processes, with special attention to the effects of industry-wide or regional bargaining upon the national economy;

"(7) the administration and operation of existing Federal laws relating to labor relations; and

"(8) such other problems and subjects in the field of labor-management relations as the committee deems appropriate.

"SEC. 403. The committee shall report to the Senate and the House of Representatives not later than March 15, 1948, the results of its study and investigation, together with such recommendations as to necessary legislation and such other recommendations as it may deem advisable, and shall make its final report not later than January 2, 1949.

"SEC. 404. The committee shall have the power, without regard to the civil-service laws and the Classification Act of 1923, as amended, to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, including consultants who shall receive compensation at a rate not to exceed $35 for each day actually spent by them in the work of the committee, together with their necessary travel and subsistence expenses. The committee is further authorized, with the consent of the head of the department or agency concerned, to utilize the services, information, facilities, and personnel of all agencies in the executive branch of the Government and may request the governments of the several States, representatives of business, industry, finance, and labor, and such other persons, agencies, organizations, and instrumentalities as it deems appropriate to attend its hearings and to give and present information, advice, and recommendations.

"SEC. 405. The committee, or any subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Eightieth Congress; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer oaths; to take such testimony; to have such printing and binding done; and to make such expenditures within the amount appropriated therefor; as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per one hundred words. Subpenas shall be issued under the signature of the chairman or vice chairman of the committee and shall be served by any person designated by them.

"SEC. 406. The members of the committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the committee, other than expenses in connection with meetings of the committee held in the District of Columbia during such times as the Congress is in session.

"SEC. 407. There is hereby authorized to be appropriated the sum of $150,000, or so much thereof as may be necessary, to carry out the provisions of this title, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman.

"TITLE V

"DEFINITIONS

"SEC. 501. When used in this Act—

"(1) The term "industry affecting commerce" means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

"(2) The term 'strike' includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slow-down or other concerted interruption of operations by employees.

"(3) The terms 'commerce', 'labor disputes', 'employer', 'employee', 'labor organization', 'representative', 'person', and 'supervisor' shall have the same meaning as when used in the National Labor Relations Act as amended by this Act.

"SAVING PROVISION

"SEC. 502. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

"SEPARABILITY

"SEC. 503. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

FRED A. HARTLEY, JR.,
GERALD W. LANDIS,
GRAHAM A. BARDEN,
Managers on the Part of the House.

ROBERT A. TAFT,
ALLEN J. ELLENDER,
IRVING M. IVES,
JOSEPH H. BALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

SHORT TITLE

The House bill provided that it was to be cited as the "Labor-Management Relations Act, 1947." The Senate amendment (section 504) provided that it was to be cited as the "Federal Labor Relations Act of 1947." The conference agreement adopts the short title of the House bill.

DECLARATION OF POLICY

The House bill (section 1 (b)) contained an over-all declaration of policy covering all of the various matters dealt with in the bill. There was no corresponding over-all declaration of policy in the Senate amendment. The conference agreement contains the declaration of policy of the House bill, with one omission. One of the policies declared in the House bill was to encourage the peaceful settlement of labor disputes affecting commerce by giving the employees themselves a direct voice in the bargaining arrangements with their employers. Since under the conference agreement the provisions relating to a secret ballot on the employer's last offer of settlement (as will be hereafter explained) are not made mandatory, this particular item has been omitted from the over-all declaration of policy in the conference agreement.

TITLE I—AMENDMENT OF NATIONAL LABOR RELATIONS ACT

Both the House bill and the Senate amendment in title I amended the National Labor Relations Act in numerous respects.

In amending section 1 of the National Labor Relations Act (the policy thereof) the House bill omitted from the present law all of the so-called findings of fact some of which have been so severely criticized as being inaccurate and entirely one-sided. The Senate amendment rewrote the findings and policies contained in section 1 of the National Labor Relations Act so that those findings will not hereafter constitute an indictment of all employers. At the same time the Senate amendment inserted in the findings of fact a paragraph to the effect that experience has demonstrated that certain practices by some labor organizations have the effect of burdening commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of commerce. The Senate amendment further declared the elimination of such practices to be a necessary condition to the assurance of the rights herein guaranteed. Thus under the Senate amendment the findings and policies of the amended National Labor Relations Act are to be "two-sided". The conference agreement adopts the provisions of the Senate amendment in this respect.

DEFINITIONS

Section 2 of the National Labor Relations Act contains definitions of the terms used therein. Both the House bill and the Senate amendment amended section 2.

(1) Person: In defining the term person, the House bill added labor organizations to the definition contained in existing law in order that there might be no question but

that labor organizations were to be considered as persons within the meaning of the new, amended Act. The Senate amendment also added labor organizations to the definition of person, but included in addition thereto their officers and employees or members. Since officers, employees and members of labor organizations are individuals, and the term person already is defined to include individuals, the conference committee deemed it unnecessary to include officers, employees and members of labor organizations in specific terms, and thus the conference agreement adopts the definition of person contained in the House bill.

(2) Employer: In defining the term employer, the House bill changed the definition of existing law in the following respects:

(A) Under existing law employer is defined to include any person acting in the interest of an employer. The House bill changed this so as to include as an employer only persons acting as agents of an employer. This was done for the reason that the Board has on numerous occasions held an employer responsible for the acts of subordinate employees and others although not acting within the scope of any authority from the employer, real or apparent.

(B) The House bill excluded from the definition of employer instrumentalities of the United States.

(C) The House bill also excluded from the definition of employer all religious, charitable, scientific, and educational organizations not organized or operated for profit.

The Senate amendment changed the definition of employer contained in existing law in but two respects:

(A) The Senate amendment excluded from the definition of employer nonprofit corporations and associations operating hospitals.

(B) The Senate amendment also provided that for the purposes of section 9 (b) of the Labor Act (the section authorizing the Board to determine the appropriate collective bargaining unit) the term employer was not to include a group of employers unless they had voluntarily associated themselves together for the purposes of collective bargaining.

The conference agreement follows the provisions of the House bill in the matter of agents of an employer, and follows the Senate amendment in the matter of exclusion of nonprofit corporations and associations operating hospitals. The other nonprofit organizations excluded under the House bill are not specifically excluded in the conference agreement, for only in exceptional circumstances and in connection with purely commercial activities of such organizations have any of the activities of such organizations or of their employees been considered as affecting commerce so as to bring them within the scope of the National Labor Relations Act. In the case of instrumentalities of the United States, the conference agreement limits the exclusion to wholly owned Government corporations and to Federal reserve banks, the latter for the reason that such banks, by their issuance of currency and their acting as fiscal agents of the Treasury, perform a vital governmental function. The treatment in the Senate amendment of the term employer for the purposes of section 9 (b) is omitted from the conference agreement, since it merely restates the existing practice of the Board in the fixing of bargaining units containing employees of more than one employer, and it is not thought that the Board will or ought to change its practice in this respect.

(3) Employee: The House bill changed the definition of employee contained in the existing law in several respects:

(A) Under the existing definition of employee the Board has treated employees striking or wages, hours or working conditions differently from employees striking because of an alleged unfair labor practice on the part of the employer. In the former case the Board has said that the individual striker retains his status as an employee under the Act only until he is replaced, whereas in the latter case the Board has said that the individual striker retains his status as an employee so long as the labor dispute is "current". This Board practice has had the effect of treating more favorably employees striking to remedy practices for which the National Labor Relations Act itself provides a peaceful administrative remedy, than employees who are striking merely to better their terms of employment. The House bill in the definition of employee provided in specific terms that these two classes of striking employees should be treated in the same fashion, i. e., they were to retain their employee status until replaced.

(B) The House bill excluded supervisors from the definition of employee.

(C) The House bill also excluded from the definition of employee any individual engaged in "agricultural labor", as that term is defined for the purposes of the Social Security Act taxes.

(D) The House bill excluded from the definition of employee individuals having the status of independent contractors. Although independent contractors can in no sense be considered to be employees, the Supreme Court in *N. L. R. B. v. Hearst Publications, Inc.* (1944), 322 U. S. 111, held that the ordinary tests of the law of agency could be ignored by the Board in determining whether or not particular occupational groups were "employees" within the meaning of the Labor Act. Consequently it refused to consider the question of whether certain categories of persons whom the Board had deemed to be "employees" were not in fact and in law really independent contractors.

(E) The House bill contained a clarifying provision to the effect that no individual was to be considered an employee for the purposes of the act unless he was employed by an employer as defined in the act.

In defining employee, the Senate amendment followed the provisions of existing law with three exceptions:

(A) The Senate amendment excluded supervisors from the definition of employee.

(B) The Senate amendment excluded "individuals employed in agriculture" as distinguished from the existing exemption of individuals employed as "agricultural laborers."

(C) The Senate amendment excluded individuals employed by any person subject to the Railway Labor Act (one of the categories of persons not treated as employers for the purposes of the act).

The conference agreement in general follows the provisions of the Senate amendment, with the following exceptions:

(A) Since the matter of the "agricultural" exemption has for the past two years been dealt with in the Appropriation Act for the National Labor Relations Board, the conference agreement does not disturb existing law in this respect.

(B) The conference agreement follows the provisions of the House bill in excluding from the definition of employee all individuals employed by persons who do not come within the definition of employers, not limiting this exclusion, as did the Senate amendment, to employees of persons subject to the Railway Labor Act.

(C) The conference agreement does not contain the specific provisions of the House bill dealing with the status of "unfair labor practice" strikers. Since the different treatment of unfair labor practice strikers and economic strikers is simply a practice of the Board which the Board can change within the framework of the existing law, it was thought by the House managers that the Board should be given an opportunity to change this practice itself rather than needlessly complicating the definition of the term employee.

In the *National Silver Company case* (71 N. L. R. B. 87) (1946), at least one member of the Board thought that the Board's policy should be to so use its powers as to encourage employees and their organizations to use the peaceful procedures under the Act instead of resorting to the strike weapon. Such a policy would seem to be more in accord with the stated purpose of the Act.

(D) The conference agreement follows the House bill in the matter of persons having the status of independent contractors.

(4) The terms "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice" were the same in both the House bill and the Senate amendment. The conference agreement does not make any change in these definitions.

(5) The House bill omitted the definition which is contained in existing law of the term "labor dispute" since a definition of that term was not considered necessary under the structure of the House bill. The Senate amendment contained the definition contained in the existing law. The conference agreement follows the provision of the Senate amendment in this respect.

(6) The definitions in the House bill and in the Senate amendment relating to the Board and the administration of the Act are hereafter discussed in connection with the explanation of the conference agreement dealing with section 3 of the National Labor Relations Act.

(7) The House bill contained a definition of the term "bargain collectively" for the purposes of the duties imposed on both parties in the amended section 8 of the Labor Act to bargain collectively with the other. By reason of a number of decisions of the Board which in effect required an employer to make or offer concessions to show that he was bargaining in good faith, the House definition proposed an objective test for determining what constituted bargaining collectively. It required first that the parties follow the procedure specified in an agreement between the parties if such an agreement was in effect, and if no such agreement was in effect, discussion between the parties at a stated number of meetings of the various proposals and counterproposals. If agreement was reached the agreement was to be put in writing. Neither party was to be required to reach an agreement, accept any proposal or counterproposal or submit counterproposals.

In addition, neither party was to be required, under his duty to bargain collectively, to discuss any matter other than those (which were set out in detail in the House bill) which the House considered to be within the proper scope of compulsory bargaining.

As part of the procedure of collective bargaining, the House bill required that the employees themselves, in a secret ballot, vote on the question of whether to reject the employer's last offer of settlement, and made it a violation of the duty to bargain to call a strike or lockout unless upon such ballot a majority of the employees eligible to vote were in favor of such rejection.

The Senate amendment did not, in the definition section, contain any definition of collective bargaining, but did contain (section 8 (d)) a provision stating what collective bargaining was to consist of for the purposes of section 8. It was stated as the performance of the mutual obligation of the parties to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment, or with respect to the negotiation of an agreement, or with respect to any question arising thereunder; and the execution of a written contract incorporating any agreement reached if desired by either party. This mutual obligation was not to compel either party to agree to a proposal or require the making of any concession. Hence, the Senate amendment, while it did not prescribe a purely objective test of what constituted

collective bargaining, as did the House bill, had to a very substantial extent the same effect as the House bill in this regard, since it rejected, as a factor in determining good faith, the test of making a concession and thus prevented the Board from determining the merits of the positions of the parties.

The Senate amendment also required, as part of the bargaining procedure, that no party to any collective bargaining contract should terminate or modify the contract unless the party desiring such termination or modification (A) served a written sixty-day notice of the proposed termination or modification on the other party, (B) offered to meet and confer with the other party with respect thereto, (C) notified the Federal Mediation and Conciliation Service (a new independent agency later discussed) within thirty days after such notice of the existence of the dispute, if agreement had not been reached by that time, and (D) continued in full force and effect, without strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after the notice of desired termination or modification was given or until the expiration date of the contract, whichever occurred later.

An employee who engaged in a strike within the 60-day period just described lost his status as an employee of the particular employer for the purposes of sections 8, 9, and 10 of the act.

The conference agreement, like the Senate amendment, does not contain a definition as such of collective bargaining, but does, in section 8 (d) of the amended Labor Act, contain provisions similar to those of the Senate amendment, with certain clarifying changes. One of the important changes is the inclusion of a provision indicating that the duty to bargain is not to be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. In addition the conference agreement omits from the Senate amendment words that were contained therein which might have been construed to require compulsory settlement of grievance disputes and other disputes over the interpretation or application of the contract.

(8) Supervisors: As heretofore stated, both the House bill and the Senate amendment excluded supervisors from the individuals who are to be considered employees for the purposes of the act. The House bill defined as supervisors, however, certain categories of employees who were not treated as supervisors under the Senate amendment. These were generally (A) certain personnel who fix the amount of wages earned by other employees, such as inspectors, checkers, weighmasters, and time-study personnel, (B) labor relations personnel, police, and claims personnel, and (C) confidential employees. The Senate amendment confined the definition of supervisor to individuals generally regarded as foremen and persons of like or higher rank.

The conference agreement, in the definition of supervisor, limits such term to those individuals treated as supervisors under the Senate amendment. In the case of persons working in the labor relations personnel and employment departments, it was not thought necessary to make specific provision, as was done in the House bill, since the Board has treated, and presumably will continue to treat, such persons as outside the scope of the Act. This is the prevailing Board practice with respect to such people as confidential secretaries as well, and it was not the intention of the conferees to alter this practice in any respect. The conference agreement does not treat time-study personnel or guards as supervisors, as did the House bill. Since, however, time-study employees may qualify as professional personnel, the special provisions of the Senate amendment (hereafter discussed) applicable with respect to professional employees will cover many in this category. In the case of guards, the conference agreement does not permit the certification of a labor organization as the bargaining representative of guards if it admits to membership, or is affiliated with any organization that admits to membership, employees other than guards. The provision dealing with the certification of bargaining units for guards is dealt with in section 9 (b) of the conference agreement, and the individuals who are to be considered as guards therein set forth.

(9) The House bill did not contain any definition of the term "professional employee," but section 9 (f) (2) thereof gave professional personnel and other distinguishable groups of employees an opportunity to exclude themselves from larger bargaining units in which it was proposed that they be included. The Senate amendment accorded a similar treatment to professional employees and defined that term. This definition in general covers such persons as legal, engineering, scientific, and medical personnel together with their junior professional assistants. The conference agreement contains the same definition of professional employee as that contained in the Senate amendment, and accords to this category the same treatment which was provided for them in section 9 (f) (3) of the House bill.

(10) Since the terms "sympathy strike," "illegal boycott," "jurisdictional strike," "monopolistic strike," and "featherbedding practice" do not appear as such in the conference agreement, the definitions of them are omitted and the treatment of the matters covered thereby are discussed in connection with the appropriate sections of the conference agreement.

(11) As heretofore stated, the conference agreement does not contain any definition of "agricultural laborer," "agriculture" or "agricultural labor." This matter has previously been discussed in connection with the definition of "employee" in the House bill, the Senate amendment, and the conference agreement.

(12) The conference agreement contains in the definition section a rule to be applied for the purpose of determining when a person is acting as an "agent" of another person so as to make such other person responsible for his acts. A provision having the same effect was contained in section 12 of the House bill, under which the Norris-LaGuardia Act was made inapplicable in connection with certain activities dealt with in that section. One of the provisions of that Act which was thus made inapplicable was section 6 thereof which provides that no employer or labor organization participating or interested in a labor dispute shall be held responsible for the "unlawful" acts of its agents except upon clear proof of actual authorization of the particular acts performed, or subsequent ratification thereof after knowledge. Hence, under the conference agreement, as under the House bill, both employers and labor organizations will be responsible for the acts of their agents in accordance with the ordinary common law rules of agency (and only ordinary evidence will be required to establish the agent's authority).

ADMINISTRATION

The House bill (sections 3, 4, and 102) abolished the existing National Labor Relations Board, created a new board of three members, not more than two of whom were to be members of the same political party, and limited the new board to the performance of the quasi-judicial functions under the Act. The investigating and prosecuting functions under the Act were to be performed by an Administrator, a new independent office which was created by section 4 of the House bill. The Senate amendment (section 3 of the amended Labor Act) retained the existing board but increased its membership to seven and provided that the Board could assign its duties to groups of not less than three members each. The conference agreement (section 3 (a)) retains the existing Board but increases its membership to five. Of the two additional members, who are to be appointed by the President by and with the advice and consent of the Senate, one is to be appointed for a term of two years and one for a term of five years. The conference agreement does not make provision for an independent agency to exercise the investigating and prosecuting functions under the Act, but does provide that there shall be a General Counsel of the Board, who is to be appointed by the President by and with the advice and consent of the Senate, for a term of four years. The General Counsel is to have general supervision and direction of all attorneys employed by the Board (excluding the trial examiners and the legal assistants to the individual members of the Board), and of all the officers and employees in the Board's regional offices, and is to have the final authority to act in the name of, but independently of any direction, control, or review by, the Board in respect of the investigation of charges and the issuance of complaints of unfair labor practices, and in respect of the prosecution of such complaints before the Board. He is to have, in addition, such other duties as the Board may prescribe or as may be provided by law. By this provision responsibility for what takes place in the Board's regional offices is centralized in one individual who is ultimately responsible to the President and Congress.

The House bill, in the section providing for the Administrator, provided that the regional directors and the chief regional attorneys were to be appointed by the President with the advice and consent of the Senate. It was believed that better administration will result in having responsibility lodged in one person rather than having it diffused through numerous regional directors and regional attorneys, and the conference agreement omits this provision.

Section 4 of the conference agreement provides that each member of the Board and the General Counsel of the Board shall receive a salary at the rate of $12,000 per annum. This section also provides that the Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions, with the exception that any attorney employed for assignment as a legal assistant to any Board member may, for such member, review transcripts and prepare such drafts. There was a provision in the House bill and also in the Senate amendment having the same effect. This section of the conference agreement also provides that no trial examiner's report can be reviewed either before or after its publication by any person other than a member of the Board or his legal assistant, and in addition trial examiners are prohibited from advising or consulting with the Board with respect to exceptions taken to their findings, rulings, or recommendations. A similar provision was contained in the Senate amendment, but there was no such provision in the House bill. The combination of the provisions dealing with the authority of the General Counsel, the provision abolishing the Board's review division, and the provisions relating to the trial examiners and their reports effectively limits the Board to the performance of quasi-judicial functions.

Section 5 of the conference agreement is the same as section 5 of the existing National Labor Relations Act and also section 5 of the amended Labor Act in the Senate amendment. Section 5 of the amended Labor Act in the House bill had the same effect insofar as the Board was concerned, but its provisions were also applicable to the Administrator which, as heretofore stated, is not provided for in the conference agreement.

Section 6 of the conference agreement gives the Board general power to prescribe regulations necessary to carry out the provisions of the Act. There was a similar provision in section 6 of the amended Labor Act in the House bill and also in the Senate amendment. The only change in this section from existing law is the insertion of the words "in the manner prescribed by the Administrative Procedure Act". This insertion appeared in the House bill but not in the Senate amendment. It is made to assure that the subsequent amendment of the National Labor Relations Act without changing this section will not supersede the general rules prescribed in the Administrative Procedure Act which are now applicable to the Board's powers to promulgate regulations.

RIGHTS OF EMPLOYEES

Both the House bill and the Senate amendment in amending the National Labor Relations Act preserved the right under section 7 of that Act of employees to self-organization, to form, join, or assist any labor organization, and to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. The House bill, however, made two changes in that section of the Act. First, it was stated specifically that the rights set forth were not to be considered as including the right to commit or participate in unfair labor practices, unlawful concerted activities, or violations of collective bargaining contracts. Second, it was specifically set forth that employees were also to have the right to refrain from self-organization, etc., if they chose to do so.

The first change in section 7 of the Act made by the House bill was inserted by reason of early decisions of the Board to the effect that the language of section 7 protected concerted activities regardless of their nature or objectives. An outstanding decision of this sort was the one involving a "sit down" strike wherein the Board ordered the reinstatement of employees who engaged in this unlawful activity. Later the Board ordered the reinstatement of certain employees whose concerted activities constituted mutiny. In both of the above instances, however, the decision of the Board was reversed by the Supreme Court. More recently, a decision of the Board ordering the reinstatement of individuals who had engaged in mass picketing was reversed by the Circuit Court of Appeals (*Indiana Desk Co.* v. *N. L. R. B.* (149 Fed. (2d) 987) (1944)).

Thus the courts have firmly established the rule that under the existing provisions of section 7 of the National Labor Relations Act, employees are not given any right to engage in unlawful or other improper conduct. In its most recent decisions the Board has been consistently applying the principles established by the courts. For example, in the *American News Company Case* (55 N. L. R. B. 1302) (1944) the Board held that employees had no right which was protected under the Act to strike to compel an employer to violate the wage stabilization laws. Again, in the *Scullin Steel Case* (65 N. L. R. B. 1294) and in the *Dyson Case* (decided February 7, 1947), the Board held that strikes in violation of collective bargaining contracts were not concerted activities protected by the Act, and refused to reinstate employees discharged for engaging in such activities. In the second Thompson Products case (decided February 21, 1947), the Board held that strikes to compel the employer to violate the Act and rulings of the Board thereunder were not concerted activities protected by the provisions of section 7. The reasoning of these recent decisions appears to have had the effect of overruling such decisions of the Board as that in *Matter of Berkshire Knitting Mills* (46 N. L. R. B. 955 (1943)), wherein the Board attempted to distinguish between what it considered as major crimes and minor crimes for the purpose of determining what employees were entitled to reinstatement.

By reason of the foregoing, it was believed that the specific provisions in the House bill excepting unfair labor practices, unlawful concerted activities, and violation of collective bargaining agreements from the protection of section 7 were unnecessary. Moreover, there was real concern that the inclusion of such a provision might have a limiting effect and make improper conduct not specifically mentioned subject to the protection of the Act.

In addition, other provisions of the conference agreement deal with this particular problem in general terms. For example, in the declaration of policy to the amended National Labor Relations Act adopted by the conference committee, it is stated in the new paragraph dealing with improper practices of labor organizations, their officers, and members, that the "elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed." This in and of itself demonstrates a clear intention that these undesirable concerted activities are not to have any protection under the Act, and to the extent that the Board in the past has accorded protection to such activities, the conference agreement makes such protection no longer possible. Furthermore, in section 10 (c) of the amended Act as proposed in the conference agreement, it is specifically provided that no order of the Board shall require the reinstatement of any individual or the payment to him of any back pay if such individual was suspended or discharged for cause, and this, of course, applies with equal force whether or not the acts constituting the cause for discharge were committed in connection with a concerted activity. Again, inasmuch as section 10 (b) of the Act as proposed to be amended by the conference agreement requiries that the rules of evidence applicable in the district courts shall, so far as practicable, be followed and applied by the Board, proof of acts of unlawful conduct cannot hereafter be limited to proof of confession or conviction thereof.

The second change made by the House bill in section 7 of the Act (which is carried into the conference agreement) also has an important bearing on the kinds of concerted activities which are protected by section 7. That provision, as heretofore stated, provides that employees are also to have the right to refrain from joining in concerted activities with their fellow employees if they choose to do so. Taken in conjunction with the provisions of section 8 (b) (1) of the conference agreement (which will be hereafter discussed) wherein it is made an unfair labor practice for a labor organization or its agents to restrain or coerce employees in the exercise of rights guaranteed in section 7, it is apparent that many forms and varieties of concerted activities which the Board, particularly in its early days, regarded as protected by the Act will no longer be treated as having that protection, since obviously persons who engage in or support unfair labor practices will not enjoy immunity under the Act.

UNFAIR LABOR PRACTICES

Both the House bill and the Senate amendment amended section 8 of the National Labor Relations Act by adding thereto unfair labor practices on the part of labor organizations. The practices which under existing law are treated as unfair labor practices on the part of the employer were changed in only two respects by the House bill and in only one respect by the Senate amendment, as will hereafter appear.

Neither the House bill nor the Senate amendment changed the first unfair labor practice on the part of an employer, namely, interfering with, restraining, or coercing employees in the exercise of their rights guaranteed in section 7. What these rights are has already been discussed. The conference agreement contains the provisions of the House bill and the Senate amendment in this respect.

The House bill amended section 8 (2) of the present National Labor Relations Act—the provision making it an unfair labor practice for an employer to dominate the formation or administration of labor organizations for the purpose of according some protection to labor organizations which were not affiliated with one of the national or international labor organizations. This provision of the House bill had the effect of permitting an employer to do the same kind of things for independent unions which the Board has permitted him to do for the affiliated union. The Senate amendment did not change the words of section 8 (2) in existing law.

There were contained, however, in both the House bill and the Senate amendment—in the amendments to sections 9 and 10 of the Labor Act—provisions requiring the Board to treat independent unions in the same manner in which it treats unions which are affiliated with or constitute units of labor organizations national or international in scope. These provisions acted as a limitation on the power of the Board in holding activities to be unfair labor practices under section 8 (a) (2) of the House bill and the Senate amendment. The Board has, for example, in the case of affiliated unions permitted employers to provide bulletin boards in their plants for the union's use, to give union officials preferred treatment in laying off workers and calling them back, and to allow shop stewards without losing pay to confer not only with the employer but with the employees as well, and to transact other union business in the plant. The Board has not permitted the employer to do the same things for non-affiliated unions, and it was the purpose of the House provision to provide for equality of treatment in this respect.

Since this matter is adequately dealt with in the provisions in sections 9 and 10, the conference agreement omits the provisions of the House bill which amended section 8 (2) of the existing law, and adopts the provisions of the Senate amendment.

Both the House bill and the Senate amendment, in rewriting the present provisions of section 8 (3) of the Act, abolished the closed shop. The union shop and maintenance of membership, however, were permitted both under the House bill (section 8 (d) (4)) and under the Senate amendment (proviso to section 8 (a) (3)). The House bill and the Senate amendment differed in the required procedures for securing the union shop or maintenance of membership. These differences will be hereafter discussed. The conference agreement adopts the language of the Senate amendment in section 8 (a) (3) of the Labor Act with one clarifying omission. Under the provisions of the conference agreement an employer is permitted to enter into an agreement with a labor organization (not established, maintained, or assisted by any action defined as an unfair labor practice) whereby the employer agrees that he will employ only employees who on and after thirty days from the date of their employment (or from the date of the agreement, if that is later) are members of the labor organization concerned. This permission, however, is granted only if, upon the most recent election held under later provisions of the conference agreement (section 9 (e)) a majority of the employees in the bargaining unit in question eligible to vote have authorized the union to make such an agreement.

As a protection to the individual worker against arbitrary action by the union, it is further provided that an employer is not justified in discriminating against an employee with respect to whom the employer has reason to believe membership in the union was not available on the same terms

as those generally applicable to other mmm bers, or with respect to whom the employer has reason to believe membership was denied or terminated for reasons other than failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership. In determining whether membership was available on the same terms as those generally applicable to other members, it must be borne in mind that in some unions the dues and initiation fees of persons who became members many years ago may have been more or less than those currently in effect, or the terms or conditions of membership may have been different. The conference agreement hence does not contemplate availability of membership on the same terms as those applicable to all of the members, nor does it disturb arrangements in the nature of those approved by the Board in *Larus & Brother Co.* (62 N. L. R. B. 1075 (1945)).

Neither the House bill nor the Senate amendment changed the wording of the provisions of section 8 (4) of the existing Act, and the conference agreement in section 8 (a) (4) follows the provisions of existing law. The same is true in the case of section 8 (5) of existing law which makes it an unfair labor practice for an employer to refuse to bargain collectively with the representative of his employees, subject to the provisions of section 9 (a).

The Senate amendment contained a provision which does not appear in section 8 of existing law. This provision would have made it an unfair labor practice to violate the terms of a collective bargaining agreement or an agreement to submit a labor dispute to arbitration. The conference agreement omits this provision of the Senate amendment. Once parties have made a collective bargaining contract the enforcement of that contract should be left to the usual processes of the law and not to the National Labor Relations Board.

UNFAIR LABOR PRACTICES OF LABOR ORGANIZATIONS

Both the House bill and the Senate amendment defined, in a new section 8 (b) of the National Labor Relations Act, unfair labor practices on the part of labor organizations and their agents. The House bill also made the unfair labor practices described unfair labor practices on the part of employees.

Under the House bill the following unfair labor practices were set forth:

(1) Intimidating practices to interfere with the exercise by employees of rights guaranteed in section 7 or to compel or seek to compel any individual to be a member of a labor organization.

(2) To refuse to bargain collectively with the employer.

(3) To call or participate in any strike or other concerted interference with an employer's operations, an object of which was to compel the employer to accede to the inclusion in a collective bargaining agreement of matters which under the House bill were not treated as within the proper scope of compulsory bargaining.

Under the new section 8 (b) of the Senate amendment, the following unfair labor practices on the part of labor organizations and their agents were defined:

(1) To restrain or coerce employees in the exercise of rights guaranteed in section 7, or to restrain or coerce an employer in the selection of his representatives for collective bargaining or the adjustment of grievances. This provision of the Senate amendment in its general terms covered all of the activities which were prescribed in section 12 (a) (1) of the House bill as unlawful concerted activities and some of the activities which were proscribed in the other paragraphs of section 12 (a). While these restraining and coercive activities did not have the same treatment under the Senate amendment as under the corresponding provisions of the House bill, participation in them, as explained in the discussion of section 7, is not a protected activity under the Act. Under the House bill, these activities could be enjoined upon suit by a private employer, specific provision was made for suits for damages on the part of any person injured thereby, and employees participating therein were subject to deprivation of their rights under the Act. The conference agreement, while adopting section 8 (b) (1) of the Senate amendment, does not by specific terms contain any of these sanctions, but an employee who is discharged for participating in them will not, as explained in the discussion of section 7, be entitled to reinstatement. Furthermore, since in section 302 (b), unions are made suable, unions that engage in these practices to the injury of another may subject themselves to liability under ordinary principles of law. Then too, under the provisions of section 10 (k) of the conference agreement the Board can seek a temporary injunction enjoining these practices pending its decision on the merits.

In applying section 8 (1) of the existing law, the Board has not held to be unfair labor practices acts which constituted "interference" that did not also constitute restraint or coercion. Section 8 (1) of the present law is written in broad terms, and only by long continued administrative practice has its scope been adequately and properly defined. Concern has heretofore been expressed as to whether such practice would carry over into a corresponding provision of the new section 8 (b) (1), and presumably because of this concern the words "interference with" were omitted from the proposed new section. Omission of these words from the proposed new section was not, however, intended to broaden the scope of section 8 (a) (1) as heretofore defined by the long continued practice of the Board.

(2) To discriminate against an employee to whom membership in a labor organization has been denied or terminated on some ground other than non-payment of dues or initiation fees. The purpose of this provision of the Senate amendment was obvious.

(3) To refuse to bargain collectively with an employer, provided the labor organization is the representative of his employees subject to section 9 (a). This provision of the Senate amendment imposed upon labor organizations the same duty to bargain which under section 8 (a) (5) of the Senate amendment was imposed upon employers. What bargaining consists of has already been discussed supra.

(4) To engage in, or induce or encourage the employees of any employer to engage in, a strike or a concerted refusal to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services in the course of their employment, if the purpose thereof was to force the doing of certain things. The proscribed purposes or objectives were described in clauses (A), (B), (C), and (D) of this provision of the Senate amendment.

Under clause (A) strikes or boycotts, or attempts to induce or encourage such action, were made unfair labor practices if the purpose was to force an employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of another, or to cease doing business with any other person. Thus it was made an unfair labor practice for a union to engage in a strike against employer A for the purpose of forcing that employer to cease doing business with employer B. Similarly it would not be lawful for a union to boycott employer A because employer A uses or otherwise deals in the goods of, or does business with, employer B.

Clause (B) of this provision of the Senate amendment covered strikes and boycotts conducted for the purpose of forcing another employer to recognize or bargain with a labor organization that has not been certified as the exclusive representative. It is to be observed that the primary strike for recognition (without a Board certification) was not prohibited. Moreover, strikes and boycotts for recognition were not prohibited if the union had been certified as the exclusive representative.

Strikes and boycotts having as their purpose forcing any employer to disregard his obligation to recognize and bargain with a certified union and in lieu thereof to bargain with or recognize another union were made unfair labor practices under clause (C).

Clause (D) covered strikes or boycotts having as their purpose forcing an employer to assign work tasks to members of one union when he has assigned them to members of another union. If the employer against whom the strike or boycott was directed was failing to conform to a determination of the Board fixing the representation of employees performing the work tasks, then the strike or boycott was not an unfair labor practice.

The matters covered by section 8 (b) (4) in the Senate amendment were dealt with in section 12 of the House bill and in the definitions of illegal boycott and jurisdictional strike.

The conference agreement adopts the provisions of the Senate amendment with clarifying changes, and with one addition to the category of unlawful objectives. Under the conference agreement a strike or boycott to force an employer or self-employed person to become a member of a labor organization will be treated in the same manner as other boycotts.

(5) To violate the terms of a collective bargaining agreement to submit a labor dispute to arbitration.

From the above description of the House bill and the Senate amendment dealing with unfair labor practices on the part of labor organizations and their agents, it is apparent the Senate amendment was broader in its scope than the corresponding provisions of the House bill. The conference agreement adopts the provisions of the Senate amendment with the following changes therein:

(1) Section 8 (b) (2) is expanded so as to prohibit all attempts by a labor organization or its agents to cause an employer to discriminate against an employee in violation of section 8 (a) (3). The latter section, as heretofore explained, prohibits an employer from discriminating against an employee by reason of his membership or non-membership in a labor organization, except to the extent that he obligates himself to do so under the terms of a permitted union shop or maintenance of membership contract. This provision contained in the conference agreement would, for example, prevent a labor organization from seeking to compel an employer to hire only union foremen or to discharge foremen who were not members of the union, and in this respect it covers matters which, among others, were dealt with under section 12 of the House bill.

(2) A provision which was contained in the Senate amendment in section 8 (b) (2), designed to prevent an employer from discriminating against an employee covered by a union shop agreement who had been expelled from the union for activities in behalf of another representative, is omitted as unnecessary since there is nothing in the conference agreement which permits an employer to discriminate against an employee who has been expelled for this reason.

(3) Section 8 (b) (4) of the conference agreement has been expanded to cover a matter which was covered by section 12 of the House bill, namely, concerted activity by a union or its agents to compel an employer or self-employed person to become a member.

(4) Two additional unfair labor practices are added which were not contained in the Senate amendment but were contained in the

House bill. The first would make it an unfair labor practice for a labor organization or its agents having in effect a permitted union shop or maintenance of membership agreement to require the payment of an initiation fee in an amount which the Board finds excessive or discriminatory under all the circumstances. A similar provision, though broader in its scope, was contained in section 8 (c) (2) of the amended Labor Act in the House bill. It is also made an unfair labor practice for a labor organization or its agents to cause or attempt to cause an employer to pay any money or thing of value, in the nature of an exaction, for services which are not performed or not to be performed. This provision derives from the provisions of the House bill relating to "featherbedding" practices.

(5) Both the House bill and the Senate amendment contained provisions designed to protect the right of both employers and labor organizations to free speech. The conference agreement adopts the provisions of the House bill in this respect with one change derived from the Senate amendment. It is provided that expressing any views, argument, or opinion or the dissemination thereof, whether in written, printed, graphic or visual form, is not to constitute or be evidence of an unfair labor practice if such expression contains no threat of force or reprisal or promise of benefit. The practice which the Board has had in the past of using speeches and publications of employers concerning labor organizations and collective bargaining arrangements as evidence, no matter how irrelevant or immaterial, that some later act of the employer had an illegal purpose gave rise to the necessity for this change in the law. The purpose is to protect the right of free speech when what the employer says or writes is not of a threatening nature or does not promise a prohibited favorable discrimination.

(6) Section 8 (d) (2) of the amended Labor Act in the House bill contains a provision which is found in section 8 (2) of the existing law and in section 8 (a) (2) of the Senate amendment and the conference agreement. This provides that an employer is not to be prohibited from permitting employees to confer with him during working hours without loss of time or pay. This contemplates payments not only to individual employees but also to employees acting in a representative capacity in conferring with the employer.

Section 8 (d) (3) of the amended Labor Act in the House bill provided that nothing in the act was to be construed as prohibiting an employer from forming or maintaining a committee of employees and discussing with it matters of mutual interest, if the employees did not have a bargaining representative. This provision is omitted from the conference agreement since the act by its own terms permits individual employees and groups of employees to meet with the employer and section 9 (a) of the conference agreement permits employers to answer their grievances.

Section 8 (c) of the House bill contained detailed provisions dealing with the relations of labor organizations with their members. One of the more important provisions of this section—that limiting the initiation fees which a labor organization may impose where a permitted union shop or maintenance of membership agreement is in effect—is included in the conference agreement (section 8 (b) (5)) and has already been discussed. The other parts of this subsection are omitted from the conference agreement as unfair labor practices, but section 9 (f) (6) of the conference agreement requires labor organizations to make periodic reports with respect to many of these matters as a condition of certification and other benefits under the Act.

Section 8 (d) of the conference agreement (stating what constitutes collective bargaining) has been discussed supra in connection with the treatment of the definition of collective bargaining which was contained in the House bill.

REPRESENTATIVES AND ELECTIONS

Except in one respect, neither the House bill nor the Senate amendment made any change in the provisions of section 9 (a) of the existing Act (excluding minor textual changes). That section of existing law provides that representatives designated or selected for the purpose of collective bargaining by a majority of the employees in a unit appropriate for that purpose are to be the exclusive representatives of all of the employees in such unit for collective bargaining. The existing law further provides that an individual employee or group of employees will have the right at any time to present grievances to their employer. But as pointed out in the committee report on the bill in the House, this provision has not been construed by the Board as authorizing the employer to settle grievances thus presented.

Both the House bill and the Senate amendment amended section 9 (a) of the existing law to specifically authorize employers to settle grievances presented by individual employees or groups of employees, so long as the settlement is not inconsistent with any collective bargaining contract in effect. The Senate amendment contained a further proviso, however, to the effect that the bargaining representative be given opportunity to be present at the adjustment of such grievances.

The conference agreement follows the provisions of the Senate amendment.

Section 9 (b) of the existing law—under which the Board is given power to decide the unit which is appropriate for the purpose of collective bargaining—was amended both by the House bill and the Senate amendment. In the Senate amendment the limitations which were described on the Board's powers in establishing such units were contained in a proviso to section 9 (b), while in the House bill the applicable limitations were contained in section 9 (f).

Under section 9 (f) of the House bill the powers of the Board were circumscribed as follows:

(1) With certain exceptions, the Board was prevented from certifying as the representative of employees of one employer a representative that had been certified as the representative of employees of a competing employer. It was this provision of the House bill which, among others, dealt with the question of industry-wide bargaining. It is omitted from the conference agreement.

(2) Under section 9 (f) (2) in the House bill provision was made, upon application of any interested person, for a separate ballot for any craft, department, trade, calling, profession, or other distinguishable group, and the Board was directed to exclude any such group from the bargaining unit proposed to be established if less than a majority of the employees in it who cast ballots voted for the representative certified by the Board for the rest of the unit. The Board has heretofore, under the so-called "Globe doctrine" (3 N. L. R. B. 294 (1937)) provided for separate ballots for crafts and it sometimes applies the same principle to groups other than crafts. It also regularly excludes from larger units groups and individuals whose circumstances differ materially from those of the more numerous members of the unit. The provisions of section 9 (f) (2) of the House bill were designed to establish this principle in the law itself and broaden its application so as to give to groups of employees having common characteristics and interests different from those of the more numerous members of a proposed unit a greater freedom of choice in selecting their representatives than has heretofore been permitted.

The conference agreement, in section 9 (c) (2), covers in specific terms the matter of crafts and professional employees. In the case of the former the conference agreement provides that the Board cannot decide that a craft unit is inappropriate for collective bargaining on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation. In the case of the latter the Board cannot include both professional employees and employees who are not professional employees in the same unit unless a majority of the professional employees vote for inclusion therein.

Neither the omission from the conference agreement of section 9 (f) (2) of the House bill, nor the particular limitations on the power of the Board under section 9 (b) of the conference agreement, are intended to indicate that only in the specified cases should the Board establish separate units or exclude employees from units for which it certifies representatives. It must be emphasized that one of the principal purposes of the National Labor Relations Act is to give employees full freedom to choose or not to choose representatives for collective bargaining. As has already been pointed out in the discussion of section 7, the conference agreement guarantees in express terms the right of employees to refrain from collective bargaining or concerted activities if they choose to do so. This additional guaranty—recognizing and protecting, as it does, the rights and interests of individuals and minorities—will, it is believed, through wise administration result in a substantially larger measure of protection of those rights when bargaining units are being established than has heretofore been the practice.

The conference agreement, in section 9 (b), contains one further provision covering a particular classification of employees who were dealt with in the House bill in the definition of supervisor. Under that definition individuals employed for police duties came within the definition of supervisor. The conference agreement represents a compromise on this matter. It provides that the Board cannot decide that any unit is appropriate for collective bargaining if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property belonging to the employer or for which he is responsible, or to protect the safety of persons on the employer's premises. It is further provided that no labor organization can be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

(3) Under section 9 (f) (3) in the House bill, it was provided that in determining whether a unit is appropriate for collective bargaining, the extent to which employees had organized should not be controlling. There was no comparable provision in the Senate amendment. The conference agreement, in section 9 (c), contains this provision of the House bill.

(4) Under the House bill, in section 9 (f) (4), it was provided that the Board was to apply the same regulations and rules of decision, in determining whether a question of representation affecting commerce exists, regardless of the identity of the person or persons filing the application or the kind of relief sought. It was further provided that employees were not to be denied the right to designate or select a representative of their own choosing by reason of an order of the Board with respect to such representative or its predecessor that would not have issued in similar circumstances with respect to a labor organization national or international in scope, or affiliated with such an organization. The Senate amendment, in section 9 (c) (2), contained a provision having the same pur-

pose. Both the House provision and the Senate provision were directed to the practice of the Board in denying employees the right to vote for independent labor organizations in respect of which orders had been issued by the Board under section 8 (1) or 8 (2) finding employer domination where under similar circumstances it did not apply the same rule to unions affiliated with one of the national labor organizations. Under the House bill and the Senate amendment, the Board was directed to apply the same rules to both. The conference agreement, in section 9 (c) (2), contains a provision having the same purpose and effect.

(5) The House bill, in section 9 (f) (5), provided a new rule for run-off elections. A run-off was not permitted unless within sixty days following the first election a representative receiving votes in the first election furnished to the Board satisfactory evidence that it represented more than 50 per centum of the employees in the bargaining unit in question. The run-off was to be between such representative and no representative. The Senate amendment, in section 9 (c) (3), directed that where a run-off election was conducted, the ballot should provide for a selection between the two choices receiving the largest and second largest number of valid votes cast in the previous election. The conference agreement adopts the provisions of the Senate amendment.

(6) Under the House bill, in section 9 (f) (6) no labor organization could be certified if one or more of its national or international officers, or one or more of the officers of the organization designated on the ballot, was or ever had been a member of the Communist Party or by reason of active and consistent promotion or support of the policies of the Communist Party could reasonably be regarded as being a member of or affiliated with such party, or believed in or was or ever had been a member of or supported any organization that believed in or taught the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The Senate amendment, in section 9 (h), contained a similar provision, differing from the House bill only in not imposing the requirement that an officer "never has been" one of the described individuals. The conference agreement, in section 9 (h), contains a provision directed to this problem covered by both the House bill and the Senate amendment, and provides that no investigation shall be made by the Board of any question affecting commerce concerning the representation of employees raised by a labor organization under section 9 (c), no union shop or maintenance of membership agreement petition can be entertained under section 9 (e) (1) (hereafter discussed), and no complaint can be issued pursuant to a charge made by a labor organization under section 10 (b), unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of the labor organization in question and the officers of any national or international labor organization of which it is an affiliated or constituent unit, that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or support any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code (prescribing penalties for false statements made to induce official action) are to be applicable in respect to such affidavits, and if an officer of a labor organization files a false affidavit with the Board, he will be subject to the penalties prescribed in section 35 A of the Criminal Code.

The "ever has been" test that was included in the House bill is omitted from the conference agreement as unnecessary, since the Supreme Court has held that if an individual has been proved to be a member of the Communist Party at some time in the past, the presumption is that he is still a member in the absence of proof to the contrary.

(7) Under the House bill, in section 9 (f) (7), it was provided that no election could be directed in any bargaining unit or any subdivision thereof within which, in the preceding 12-month period, a valid election had been held, except upon a petition by employees requesting a "de-certification" of a representative. The Senate amendment, in section 9 (c) (3), contained a similar provision without the exception. The conference agreement adopts the provisions of the Senate amendment. The Senate amendment also contained a provision that employees on strike who were not entitled to reinstatement should not be permitted to vote unless the strike involved an unfair labor practice on the part of the employer. This provision is also included in section 9 (c) of the conference agreement with the "unless" clause omitted. The inclusion of such clause would have had the effect of precluding the Board from changing its present practice with respect to the treatment of "unfair labor practice" strikers as distinguished from that accorded to "economic" strikers.

(8) Under the House bill, in section 9 (f) (8), it was provided that if a new representative were chosen while a collective bargaining agreement was in effect with another representative, certification of the new representative should not become effective unless such new representative become a party to such contract and agreed to be bound by its terms for the remainder of the contract period. Since the inclusion of such a provision might give rise to an inference that the practice of the Board with respect to conducting representation elections while collective bargaining contracts are in effect should not be continued, it is omitted from the conference agreement.

Both the House bill and the Senate amendment in section 9 (c) of the amended Labor Act provided that petitions under section 9 could be filed by employees or labor organizations wishing an election to designate a representative, by employees or labor organizations wishing to provide for the "de-certification" of an existing representative, and by an employer to whom a representative has presented a claim requesting recognition as the representative for collective bargaining. Investigations of such petitions under the House bill were conducted by the Administrator provided in the House bill. Under the Senate amendment investigations were conducted by the Board. Both under the House bill and the Senate amendment if there was reasonable cause to believe that a question of representation affecting commerce existed a hearing was to be held. Under the Senate amendment it was provided that such hearing could be conducted by an officer or employee in the regional office who, when he reported to the Board with respect thereto, was prohibited from making any recommendations. Both the House bill and the Senate amendment provided that if the Board found upon the hearing that a question of representation existed a secret ballot should be held and the results thereof certified.

The conference agreement, in section 9 (c), follows the provisions of the Senate amendment, most of which, as indicated, were also contained in the House bill. The remaining portions of section 9 (c) of the conference agreement have already been discussed in connection with the treatment of the provisions which were contained in section 9 (f) of the House bill.

Section 9 (d) in the conference agreement, except for clerical changes, is the same as section 9 (e) in the House bill, section 9 (d) in the Senate amendment, and section 9 (d) of existing law.

Section 9 (g) in the House bill provided for the so-called union-shop election. This provision, together with the provisions of section 8 (d) (4) in the House bill, provided a somewhat different procedure for authorization of union shop and maintenance of membership contracts than did the Senate amendment. Under the House bill the employer had to agree to a union shop or maintenance of membership provision in the contract before an election with respect thereto could be held. An election under section 9 (g) was for the purpose of authorizing such provision to be carried into effect. The petition for the election was required to be filed under oath and had to state that the agreement of the employer was not secured, either directly or indirectly, by means of a strike or a threat thereof. The provisions of the agreement providing for a union shop could be carried out only if upon a secret ballot taken a majority of all of the employees in the bargaining unit in question voted in favor thereof, and the election was effective only for the period of the contract in which the union shop agreement was included, or for 2 years if the contract was for a longer period. Under the Senate amendment (section 9 (e)) the union shop election was to be held for the purpose of authorizing the labor organization to make a union shop or maintenance of membership agreement with the employer and did not have the effect of preventing strikes to secure such an agreement. Like the House bill, the agreement was exempted from the general prohibitions of section 8 (a) (3) (prohibiting discrimination by reason of membership or nonmembership in labor organizations) only if a majority of the employees eligible to vote had authorized the labor organization in question to make such an agreement. Under the Senate amendment, once this authorization had been given, it continued in effect until, upon a secret ballot conducted as a result of the filing of a deauthorization petition, a majority of the employees eligible to vote had not voted in favor of the authorization. As in the case of the representation elections, the Senate amendment in section 9 (e) provided that no election in respect of the union shop could be conducted in any bargaining unit or any subdivision thereof within which, in the preceding 12-month period, a valid election had been held.

The conference agreement (section 9 (e)) follows the pattern of the Senate amendment with two clarifying changes. The conference agreement requires that the petition for the election (which includes a deauthorization petition) must be filed by or on behalf of not less than 30 percent of the employees in the bargaining unit. The conference agreement further provides that the Board can order an election under these provisions only if no question of representation exists. The particular problem dealt with in this latter clarification was provided for in the House bill by the requirement that only certified bargaining agents could make union-shop agreements and petition for elections to authorize their execution.

Section 9 (f) of the Senate amendment required labor organizations to file certain information and financial reports with the Secretary of Labor in order to be eligible for certification or have charges processed in their behalf. It was further provided that copies of the financial report be furnished to all members of the labor organization. Provision was made that such information be kept current by annual reports.

The House bill (section 303) also contained a provision requiring reports by labor organizations, but did not make the filing of such reports a condition of certification or other benefits.

The conference agreement (section 9 (f) and (g)) adopts the provisions of the Senate amendment with three changes therein.

First, the filing of the information and reports is made a condition of eligibility for requesting a union shop election, in addition to eligibility for filing petitions for representation and eligibility for making charges. Second, it is provided that not only the particular labor organization invoking the processes of the Act, but also any national or international labor organization of which it is an affiliate or constituent unit, must file the required information and reports. Third, there are added to the matters with respect to which information must be filed, detailed statements of, or reference to the provisions of the organization's constitution and by-laws showing the procedure followed with respect to, most of the matters which were covered in section 8 (c) in the House bill (the section dealing with the relations between labor organizations and their members).

PREVENTION OF UNFAIR LABOR PRACTICES

Both the House bill and the Senate amendment in section 10 provided, as does section 10 of the present Act, for the prevention of unfair labor practices. The House bill, by reason in part of division of functions between the Board and the Administrator provided for therein, completely recast the procedure in section 10. It also made a number of other important changes, as did the Senate amendment. The treatment under the conference agreement of the provisions in the House bill relating to the Administrator have already been discussed. The other matters dealt with in section 10 of the House bill and the Senate amendment are treated as follows:

(1) The House bill omitted from section 10 (a) of the existing law the language providing that the Board's power to deal with unfair labor practices should not be affected by other means of adjustment or prevention, but it retained the language of the present Act which makes the Board's jurisdiction exclusive. The Senate amendment, because of its provisions authorizing temporary injunctions enjoining alleged unfair labor practices and because of its provisions making unions suable, omitted the language giving the Board exclusive jurisdiction of unfair labor practices, but retained that which provides that the Board's power shall not be affected by other means of adjustment or prevention. The conference agreement adopts the provisions of the Senate amendment. By retaining the language which provides the Board's powers under section 10 shall not be affected by other means of adjustment, the conference agreement makes clear that, when two remedies exist, one before the Board and one before the courts, the remedy before the Board shall be in addition to, and not in lieu of, other remedies.

(2) The Senate amendment contained a proviso at the end of section 10 (a) authorizing the Board to cede jurisdiction over any cases in any industry to State and Territorial agencies, subject to two conditions: (a) that it can cede jurisdiction in cases arising in mining, manufacturing, communications and transportation only when the employer's operations are predominantly local in character, and (b) that it may cede jurisdiction only if the applicable provisions of the State or Territorial statute and the rules of decision thereunder are consistent with the corresponding provisions of the National Act, as intepreted and applied by the Board and by the courts. The House bill contained no provision corresponding with the proviso of section 10 (a) of the Senate amendment. The conference agreement adopts this proviso.

(3) Section 10 (b) of the amended Act under the House bill contemplated that, in unfair practice cases, the Administrator would investigate charges, issue complaints and prosecute cases. The Senate amendment did not contain comparable provisions. As previously noted, the conference agreement contemplates that these duties will be performed under the exclusive and independent direction of the General Counsel of the Board, an official appointed by the President by and with the advice and consent of the Senate.

(4) The House bill provided that a person complained of in an unfair labor practice case would have twenty days to answer the complaint and required the Board to give not less than fifteen days' notice of hearings. The Senate amendment made no change in existing law in these respects. The conference agreement contains the provisions of the Senate amendment and of existing law in these respects.

(5) The House bill provided, in section 10 (b), that no complaint should issue stating a charge of an unfair labor practice that occurred more than six months before the charge was filed, or based on a charge that was filed more than six months before the complaint issued. The Senate amendment also provided that no complaint should issue based upon any unfair labor practice occurring more than six months before the filing of the charge and the service of a copy of the charge upon the person against whom the charge was made, except in cases of veterans, who received special treatment.

The provision of the House bill that required that the complaint issue within six months after the filing of the charge was designed to forestall the accumulation of back pay claims by reason of delay in prosecuting cases. Heretofore this delay has been confined chiefly to one regional office of the Board, and the Board, itself, has had the practice in the past of mitigating such claims when it was responsible for delay. Since it is anticipated that the increased membership of the Board and other changes in the administrative provisions of the Act will expedite the Board's business, the conference agreement omits the provision of the House bill respecting the time within which a complaint must issue after a charge is filed, and retains the language of the Senate amendment that requires that charges be filed, and notice thereof be given, within six months after the acts complained of have taken place.

(6) The House bill provided, in section 10 (b), that proceedings before the Board should be conducted, so far as practicable, in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure. The Senate amendment retained the language of the present Act, which provides that the rules of evidence prevailing in the courts shall not be controlling. The reason for this provision in the House bill was explained in full in the Committee Report on the bill. If the Board is required, so far as practicable, to act only on legal evidence, the substitution, for example, of assumed "expertness" for evidence will no longer be possible. The conference agreement in section 10 (c) contains this provision of the House bill.

(7) In section 10 (c), the House bill provided that the Board should base its decisions upon the "weight of the evidence." The Senate amendment retained the present language of the Act, permitting the Board to rest its orders upon "all the testimony taken". The conference agreement provides that the Board shall act only on the "preponderance" of the testimony—that is to say, on the weight of the credible evidence. Making the "preponderance" test a statutory requirement will, it is believed, have important effects. For example, evidence could not be considered as meeting the "preponderance" test merely by the drawing of "expert" inferences therefrom, where it would not meet that test otherwise. Again, the Board's decisions should show on their face that the statutory requirement has been met—they should indicate an actual weighing of the evidence, setting forth the reasons for believing this evidence and disbelieving that, for according greater weight to this testimony than to that, for drawing this inference rather than that. Immeasurably increased respect for decisions of the Board should result from this provision.

(8) In section 10 (c), both the House bill and the Senate amendment incorporated language with respect to the Board's remedial orders in cases of unfair labor practices by labor organizations. The House bill provided that, in addition to ordering respondents to cease and desist from unfair practices, the Board could order employers to take affirmative action to effectuate the purposes of the Act, including reinstatement with back pay for employees (a provision appearing in the present Act), and could also order representatives and employees to take affirmative action, and deprive them of rights under the Act for not more than one year. The Senate amendment did not contain the provision specifically authorizing the Board to deprive representatives and employees who engage in unfair practices of rights under the Act, but did contain a provision authorizing the Board to require a labor organization to pay back pay to employees when the labor organization was responsible for the discrimination suffered by the employees.

The House bill, by implication, limited the Board in its choice of remedial orders in cases of unfair labor practices by representatives not involving back pay, by specifying but one type of order that the Board might issue. The conference agreement therefore omits this provision of the House bill. As previously stated, employees are subject to the prohibitions of section 8 (b) only when they acts as agents of representatives, but in these and other cases, when they are disciplined or discharged for engaging in or supporting unfair practices, they do not have immunity under section 7. The language in the Senate amendment without which the Board could not require unions to pay back pay when they induce an employer to discriminate against an employee is included in the conference agreement.

(9) To prevent discrimination by the Board to the disadvantage of independent unions and representation plans, the House bill and the Senate amendment both included in section 10 (c) of the amended Act, in substantially similar terms, a provision to the effect that no order of the Board should require or forbid any action by an employer with respect to any labor organization that in similar circumstances would not be required or forbidden with respect to a labor organization national or international in scope, or affiliated with such an organization. In the past, the Board has made findings of violation of section 8 (2) in cases involving independent unions, committees and representation plans upon much weaker evidence than it has required in cases involving affiliated unions, and it has ordered employers to take far more drastic action with respect to independent organizations than with respect to affiliated organizations. The conference agreement adopts the language of the Senate amendment, which requires equal treatment for both affiliated and non-affiliated organizations. The language of the Senate amendment and the conference agreement in this respect is directed at orders under section 8 (a) (1) and 8 (a) (2). This specification is not intended to imply that independent and affiliated unions can or should be treated differently under other provisions. Rather, the language covers specific abuse which has come to the attention of Congress. It does not invite others.

(10) The House bill also included, in section 10 (c) of the amended Act, a provision forbidding the Board to order reinstatement or back pay for any employee who had been suspended or discharged, unless the weight of the evidence showed that the employee was not suspended or discharged for cause. The Senate amendment contained no cor-

responding provision. The conference agreement omits the "weight of evidence" language, since the Board, under the general provisions of section 10, must act on a preponderance of evidence, and simply provides that no order of the Board shall require reinstatement or back pay for any individual who was suspended or discharged for cause. Thus employees who are discharged or suspended for interfering with other employees at work, whether or not in order to transact union business, or for engaging in activities, whether or not union activities, contrary to shop rules, or for Communist activities, or for other cause (See *Wyman-Gordon* v. *N. L. R. B.* (153 Fed. (2d) 480)) will not be entitled to reinstatement. The effect of this provision is also discussed in connection with the discussion of section 7.

(11) The House bill provided that in proceedings under section 10, a proposed report and recommended order would be filed by the person conducting the hearing on behalf of the Board, and that the recommended order would become final if not excepted to within 20 days. The Senate amendment did not contain any comparable provision. The conference agreement adopts the language in section 10 (c) in the House bill in this respect.

(12) Section 10 (d) in the House bill and in the Senate amendment contained the language of the present section 10 (d) of the Act, concerning modification and setting aside by the Board of its findings and orders. The conference agreement includes this language without change.

(13) Section 10 (e) in the House bill provided that the Administrator would apply to the courts for orders enforcing the Board's orders, and then only in cases where the person against whom the order was directed failed to comply with it or thereafter violated it. The Senate amendment followed the present language of the Act, which permits the Board to petition for enforcement, but does not require it to do so. The conference agreement adopts the language of the Senate amendment.

(14) Under the language of section 10 (e) of the present Act, findings of the Board, upon court review of Board orders, are conclusive "if supported by evidence". By reason of this language, the courts have, as one has put it, in effect "abdicated" to the Board (*N. L. R. B.* v. *Standard Oil Company*, 138 Fed. (2d) 885 (1943)). See also: *Wilson & Co.* v. *N. L. R. B.* (126 Fed. (2d) 114 (1942)); *N. L. R. B.* v. *Columbia Products Corp.* (141 Fed. (2d) 687 (1944)); *N. L. R. B.* v. *Union Pacific Stages, Inc.* (99 Fed. (2d) 153). In many instances deference on the part of the courts to specialized knowledge that is supposed to inhere in administrative agencies has led the courts to acquiesce in decisions of the Board, even when the findings concerned mixed issues of law and of fact (*N. L. R. B.* v. *Hearst Publications, Inc.* (322 U. S. 111; *N. L. R. B.* v. *Packard Motor Co.*, decided March 10, 1947)), or when they rested only on inferences that were not, in turn, supported by facts in the record (*Republic Aviation* v. *N. L. R. B.* (324 U. S. 793); *La Tourneau Company* v. *N. L. R. B.* (324 U. S. 793)).

As previously stated in the discussion of amendments to section 9 (b) and section 9 (c), by reason of the new language concerning the rules of evidence and the preponderance of the evidence, presumed expertness on the part of the Board in its field can no longer be a factor in the Board's decisions. While the Administrative Procedure Act is generally regarded as having intended to require the courts to examine decisions of administrative agencies far more critically than has been their practice in the past, by reason of a conflict of opinion as to whether it actually does so, a conflict that the courts have not resolved, there was included, both in the House bill and the Senate amendment, language making it clear that the Act gives to the courts a real power of review.

The House bill, in section 10 (e), provided that the Board's findings of fact should be conclusive unless it appeared to the reviewing court (1) that the findings were against the manifest weight of the evidence, or (2) that they were not supported by substantial evidence.

The Senate amendment provided that the Board's findings with respect to questions of fact should be conclusive if supported by substantial evidence on the record considered as a whole. The provisions of section 10 (b) of the conference agreement insure the Board's receiving only legal evidence, and section 10 (c) insures its deciding in accordance with the preponderance of the evidence. These two statutory requirements in and of themselves give rise to questions of law which the courts will hereafter be called upon to determine—whether the requirements have been met. This, in conjunction with the language of the Senate amendment with respect to the Board's findings of fact—language which the conference agreement adopts—will very materially broaden the scope of the courts' reviewing power. This is not to say that the courts will be required to decide any case de novo, themselves weighing the evidence, but they will be under a duty to see that the Board observes the provisions of the earlier sections, that it does not infer facts that are not supported by evidence or that are not consistent with evidence in the record, and that it does not concentrate on one element of proof to the exclusion of others without adequate explanation of its reasons for disregarding or discrediting the evidence that is in conflict with its findings. The language also precludes the substitution of expertness for evidence in making decisions. It is believed that the provisions of the conference agreement relating to the court's reviewing power will be adequate to preclude such decisions as those in *N. L. R. B.* v. *Nevada Consol. Copper Corp.* (316 U. S. 105), and in the *Wilson, Columbia Products, Union Pacific States, Hearst, Republic Aviation*, and *Le Tourneau*, etc., cases, supra, without unduly burdening the courts. The conference agreement therefore carries the language of the Senate amendment into section 10 (e) of the amended Act.

(15) The House bill in section 10 (f) of the amended Labor Act made it possible for employees and labor organizations, as well as employers, to obtain court review of certifications by the Board of exclusive bargaining representatives, and enabled employers to obtain such review without going through an unfair practice case under section 8 (5). The Senate amendment did not contain any corresponding provision. The conference agreement omits this provision of the House bill.

(16) The conference agreement makes the same change in section 10 (f) concerning the conclusiveness of the Board's findings as is made in section 10 (e).

(17) Sections 10 (g), (h), and (i) of the present Act, concerning the effect upon the Board's orders of enforcement and review proceedings, making inapplicable the provisions of the Norris-LaGuardia Act in proceedings before the courts, were unchanged either by the House bill or by the Senate amendment, and are carried into the conference agreement.

(18) The Senate amendment, in a new section 10 (j), gave to the Board general power, upon issuing a complaint alleging an unfair labor practice, to petition the appropriate district court for temporary relief or restraining order, and gave the courts jurisdiction to grant such relief or restraining order. The House bill contained no comparable provision. The conference agreement adopts this provision of the Senate amendment.

(19) The Senate amendment also contained a new section 10 (k), which had no counterpart in the House bill. This section would empower and direct the Board to hear and determine disputes between unions giving rise to unfair labor practices under section 8 (b) (4) (D) (jurisdictional strikes). The conference agreement contains this provision of the Senate amendment, amended to omit the authority to appoint an arbitrator. If the employer's employees select as their bargaining agent the organization that the Board determines has jurisdiction, and if the Board certifies that union, the employer will, of course, be under the statutory duty to bargain with it.

(20) Section 10 (l) of the Senate amendment directed the Board to investigate forthwith any charge of unfair labor practice within the meaning of paragraph (4) (A), (B), or (C) of section 8 (b) of the conference agreement, which deals with certain boycotts and with certain strikes to force recognition of uncertified labor organizations and which has been discussed in connection with that section of the conference agreement. It directed the representative of the Board who makes the investigation, if he found that a complaint should issue, to petition the appropriate district court of the United States for injunctive relief pending the final adjudication of the Board with respect to such matter, and gave the courts jurisdiction to enjoin the practices complained of. The Senate amendment provided that a similar procedure, when appropriate, should apply to charges under section 8 (b) (4) (D) of the conference agreement. As stated above, the House bill, in section 12, provided for injunctions at the request of private persons, rather than by the Board, in cases like these. The conference agreement adopts the procedure of the Senate amendment. The power of the Board under this provision will not affect the availability to private persons of any other remedies they might have in respect of such activities.

INVESTIGATORY POWERS

Section 11 of the existing National Labor Relations Act contains provisions authorizing the Board to conduct hearings and investigations and to subpoena witnesses. Also, it provides for enforcement of subpoenas and provides for the manner in which complaints, orders and other processes of the Board shall be served.

The Senate amendment, in section 11, made no change in the provisions of existing law. The House bill, in section 11, made several changes in addition to those made necessary by the division of functions under the House bill between the Board on the one hand and the Administrator on the other. First, the subpoena power in connection with investigations was limited to investigations under section 9. Second, it was required that upon application of any party, subpoenas be issued to him as a matter of course, and a procedure was established whereby a person subpoenaed could move to quash the subpoena if the evidence covered thereby did not relate to any matter under investigation or in question or if it did not describe with sufficient particularity the evidence whose production was required. Third, a provision in existing law under which the several Departments and agencies of the Government are required to furnish to the Board, when directed by the President, records, papers, and information in their possession relating to any matter before the Board was omitted.

The conference agreement follows the provisions of existing law and the Senate amendment with the addition thereto of provisions requiring the issuance of subpoenas as a matter of course on the request of any party, as was provided in the House bill.

The Senate amendment did not make any change in section 12 of the existing National Labor Relations Act making it unlawful to impede any member of the Board or any of

its agents in the performance of their duties under the Act. This provision of existing law was omitted from the House bill. The conference agreement contains this provision of existing law.

UNLAWFUL CONCERTED ACTIVITIES

The House bill, in a new section 12 of the National Labor Relations Act, set forth certain activities which were treated as unlawful. Persons engaging in them were made subject to civil suit for damages on the part of persons injured thereby. It was provided that the Norris-LaGuardia Act should be inapplicable in respect of any action or proceeding involving any such activity, and any person who was found to have engaged in any such activity was to be subject to deprivation of rights under the Act to the same extent as a person under the House bill found to have engaged in an unfair labor practice under section 8 (b) or 8 (c)

The activities which were treated as unlawful under this section were:

(1) By use of force or violence or threats thereof, preventing or attempting to prevent individuals from quitting or continuing their employment or from accepting or refusing employment; or by the use of force, violence, physical obstruction, or threats thereof, preventing or attempting to prevent any individual from entering or leaving an employer's premises; or picketing an employer's premises in numbers or in a manner otherwise than should be reasonably necessary to give notice of the existence of a labor dispute; or picketing or besetting the home of any individual in connection with a labor dispute.

(2) Picketing an employer's premises where the employer was not involved in a labor dispute with his employees.

(3) Authorizing, participating in, or assisting any sympathy strike, jurisdictional strike, monopolistic strike, sit-down strike, or illegal boycott, or any strike to compel an employer to accede to featherbedding practices, or any strike having as an objective compelling an employer to recognize for collective bargaining an uncertified representative or having as an objective the remedying of practices for which an administrative remedy was provided by the Act, or having as an objective compelling an employer to violate any law.

(4) Any conspiracy or common arrangements between competing employers to fix or agree to terms or propose terms of employment where the employees of such competing employers were not permitted under the bill to designate a common representative.

Many of the matters covered in section 12 of the House bill are also covered in the conference agreement in different form, as has been pointed out above in the discussion of section 7 and section 8 (b) (1) of the conference agreement. Under existing principles of law developed by the courts and recently applied by the Board, employees who engage in violence, mass picketing, unfair labor practices, contract violations, or other improper conduct, or who force the employer to violate the law, do not have any immunity under the Act and are subject to discharge without right of reinstatement. The right of the employer to discharge an employee for any such reason is protected in specific terms in section 10 (c). Furthermore, under section 10 (k) of the conference agreement, the Board is given authority to apply to the district courts for temporary injunctions restraining alleged unfair labor practices temporarily pending the decision of the Board on the merits.

The provisions of section 12 treating "monopolistic strikes" as an unlawful concerted activity involved the matter of industry-wide bargaining, and this subject matter has been omitted from the conference agreement.

LIMITATIONS

Section 13 of the existing National Labor Relations Act provides that nothing in the Act is to be construed so as to either interfere with or impede or diminish in any way the right to strike. Under the House bill, in section 12 (e), a provision was included to the effect that except as specifically provided in section 12 nothing in the Act should be so construed. Under the Senate amendment, in section 13, section 13 of the existing law was rewritten so as to provide that except as specifically provided for in the Act, nothing was to be construed so as either to interfere with or impede or diminish in any way the right to strike. The Senate amendment also added one other important provision to this section, providing that nothing in the Act was to affect the limitations or qualifications on the right to strike, thus recognizing that the right to strike is not an unlimited and unqualified right. The conference agreement adopts the provisions of the Senate amendment.

Section 14 of the Senate amendment contained a provision to the effect that nothing in the Act was to be construed so as to prohibit supervisors from becoming or remaining members of labor organizations, but that employers should not be compelled to consider individuals defined as supervisors as employees for the purposes of any law, either national or local, relating to collective bargaining. There was nothing in the Senate amendment which would have the effect of prohibiting supervisors from becoming members of a labor organization, and the first part of this provision was included presumably out of an abundance of caution. The House bill had a similar policy on the power of State agencies, as was explained in the House Committee report in the discussion of section 10 (a). The conference agreement adopts the provisions of the Senate amendment.

Under the House bill there was included a new section 13 of the National Labor Relations Act to assure that nothing in the Act was to be construed as authorizing any closed shop, union shop, maintenance of membership, or other form of compulsory unionism agreement in any State where the execution of such agreement would be contrary to State law. Many States have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism in those States illegal. It was never the intention of the National Labor Relations Act, as is disclosed by the legislative history of that Act, to preempt the field in this regard so as to deprive the States of their powers to prevent compulsory unionism. Neither the so-called "closed shop" proviso in section 8 (3) of the existing Act nor the union shop and maintenance of membership proviso in section 8 (a) (3) of the conference agreement could be said to authorize arrangements of this sort in States where such arrangements were contrary to the State policy. To make certain that there should be no question about this, section 13 was included in the House bill. The conference agreement, in section 14 (b), contains a provision having the same effect.

Under the Senate amendment section 15 of the existing law, which relates to the relationship between the National Labor Relations Act and the reorganization provisions of the Bankruptcy Act, was rewritten to bring it up to date, the Bankruptcy Act having been amended in material respects since the original enactment of the National Labor Relations Act. This provision was not contained in the House bill. The conference agreement adopts the provisions of the Senate amendment.

Sections 14 and 15 of the House bill on the one hand and sections 16 and 17 of the Senate amendment on the other were the same as sections 16 and 17 of the existing law. These provisions are included in the conference agreement as sections 16 and 17.

EFFECTIVE DATE

Section 102 of the House bill contained provisions designed to facilitate the change-over from the old act to the amended act. This section of the House bill also abolished the existing National Labor Relations Board, but the treatment of this provision in the House bill by the conference agreement has already been discussed.

The amended act was not to take effect until 30 days after the date upon which a majority of the members of the proposed new Board qualified and took office, or 90 days after the date of the bill's enactment, whichever occurred first. After the effective date proceedings under the old act were to continue under the amended act only if they could have been maintained if initiated under the amended act, and a similar policy was described with respect to proceedings to enforce orders of the old Board.

Provision was also made for the effect of the amended act upon existing "closed shop" and other compulsory unionism agreements, and for the effect of the amended Act upon existing certifications. These matters are discussed below in connection with the discussion of sections 102 and 103 of the Senate amendment.

The Senate amendment did not contain any postponed effective date—that is to say, the amended act was to become effective upon the bill's enactment. Section 102 of the Senate amendment provided that the amended act was not to be construed as making an unfair labor practice any act performed prior to the date of the bill's enactment which did not constitute an unfair labor practice prior thereto. It further provided that the new section 8 (a) (3) (containing the union shop proviso in place of the "closed shop" proviso of existing law) should not make an unfair labor practice the performance of any obligation entered into prior to the date of the bill's enactment unless the agreement was renewed or extended subsequent thereto.

Section 103 of the Senate amendment provided that the amended act should not affect any certification of representatives or determination as to appropriate collective bargaining units made under existing law until one year after the date of certification or (if in respect of the certification a collective bargaining contract was entered into prior to the bill's enactment) until the end of the contract period or until one year after the date of enactment, whichever first occurred.

The conference agreement, in section 104, provides that the amendments made to the National Labor Relations Act shall take effect 60 days after the date of the bill's enactment, but authority is given to the President to appoint the two additional members of the Board and to appoint the General Counsel of the Board within this 60-day period.

Section 102 of the conference agreement provides that the amended act shall not be deemed to make an unfair labor practice any act which was performed prior to the date of the bill's enactment which did not constitute an unfair labor practice prior thereto. In the case of sections 8 (a) (3) and 8 (b) (2) of the amended act, it is specifically provided that the performance of any obligation under a collective bargaining agreement entered into prior to the date of the bill's enactment, or (in case of an agreement for a period of not more than one year) entered into on or after such date of enactment but prior to the effective date, shall not constitute an unfair labor practice unless the agreement was renewed or extended subsequent thereto.

Section 103 of the conference agreement, relating to the effect of the amendments upon existing certifications, is the same (with clarifying changes) as section 103 of the Senate amendment.

TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE; NATIONAL EMERGENCIES

Title II of both the House bill and the Senate amendment contained provisions cre-

ating a new independent conciliation service, and also provisions for the treatment of strikes affecting the national health or safety. Under the House bill the new service was to be known as the Office of Conciliation. Under the Senate amendment it was to be known as the Federal Mediation Service. Both bills provided for a Director to be the head of the new service, to be appointed by the President by and with the advice and consent of the Senate, and to receive compensation at the rate of $12,000 per annum. Both the House bill and the Senate amendment transferred all of the existing functions of the United States Conciliation Service in the Department of Labor to the new independent agency created.

Since the conference agreement in general follows the provisions of the Senate amendment with respect to this service, the Senate amendment in this regard will be described, with changes therefrom made by the conference agreement noted. Section 201 of the Senate amendment contained a statement of policy which also appears unchanged in the conference agreement.

Section 202 of the Senate amendment created an independent agency to be known as the Federal Mediation Service and to be operated by a single official, called the Director, to be appointed by the President with the advice and consent of the Senate. The functions of the existing Conciliation Service were transferred to the Director, the transfer to take effect upon the sixtieth day after the date of the bill's enactment. The only change made by the conference agreement in this section of the Senate amendment is in the name of the new service. Under the conference agreement the new service is to be known as the Federal Mediation and Conciliation Service.

Section 203 of the Senate amendment described the functions of the new service and emphasized the duty of the Service to interfere only where a dispute threatened to cause a substantial interruption of interstate commerce. It provided that if the parties could not be brought to direct settlement by conciliation or mediation the Service was authorized to seek to induce the parties to submit the dispute to voluntary arbitration. Provision was made for the payment by the United States of not to exceed $500 as a contribution to the cost of an arbitration proceeding. The conference agreement, in section 203, does not mention arbitration as such but provides that if the parties cannot be brought to settlement by conciliation and mediation the Service shall seek to induce them voluntarily to seek other means of settling the dispute without resort to strike, lockout, or other coercion. The failure or refusal of either party to agree to any procedure suggested by the Director is not to be deemed a violation of any duty or obligation imposed, and the conference agreement omits the provision contained in the Senate amendment relating to the contribution by the United States to defray the costs of arbitration proceedings.

One important duty of the Director which was not included in the Senate amendment is included in the conference agreement and is derived from the provisions of the House bill providing for a secret ballot by employees upon their employer's last offer of settlement before resorting to strike. Under the conference agreement it is the duty of the Director, if he is not able to bring the parties to agreement by conciliation within a reasonable time, to seek to induce them to seek other means of settling the dispute, including submission to the employees in the bargaining unit of the employer's last offer of settlement for refusal or for approval or rejection in a secret ballot. While the vote on the employer's last offer by secret ballot is not compulsory as it was in the House bill, it is expected that this procedure will be extensively used and that it will have the effect of preventing many strikes which might otherwise take place.

Section 204 of the Senate amendment stated that it should be the duty of employers and employees, and their representatives, to exert every reasonable effort to settle their differences by collective bargaining, and if this should fail, to utilize the assistance of the Mediation Service. This provision is also included in section 204 of the conference agreement but there has been omitted therefrom language which appeared in the Senate amendment which indicated that the parties were under a duty to submit grievance disputes to arbitration.

Section 205 of the Senate amendment created an advisory committee for the new Service composed of management and labor representatives. This group was called "The National Labor-Management Panel". The panel was to be composed of 12 members, all appointed by the President, and it was made their duty, at the request of the Director, to advise in the avoidance of industrial controversies in the manner in which mediation and voluntary arbitration should be administered. Section 205 of the conference agreement follows the provisions of the Senate amendment, except that specific reference to "voluntary arbitration" is omitted.

NATIONAL EMERGENCIES

Sections 203 to 206, inclusive, of the House bill gave the President, through the district courts of the United States, power to deal with strikes that resulted in or imminently threatened to result in the cessation or substantial curtailment of interstate or foreign commerce in essential public services. Provision was made for mediation of the dispute after the injunction had issued, and for a secret ballot of the employees on their employer's last offer of settlement if mediation did not result in an agreement. If the employer's last offer was rejected by the employees, provision was made for the convening by the Chief Justice of the United States Court of Appeals for the District of Columbia of a special advisory settlement board to investigate the dispute and to make recommendations for its settlement. Another secret ballot by the employees was provided on the question whether they desired to accept the recommended settlement. At the conclusion of the proceedings provided for the Attorney General was directed to move the court to discharge the injunction and the injunction was to be discharged. These provisions were not to apply to any person or dispute subject to the Railway Labor Act.

Sections 206 to 210, inclusive, of the Senate amendment contained provisions dealing with this same problem. The Senate amendment was limited in its application to threatened or actual strikes or lockouts affecting an entire industry engaged in trade, commerce, transportation, transmission, or communications among the several States, and the power to invoke these emergency provisions was lodged in the Attorney General rather than in the President. The conference agreement in general follows the provisions of the Senate amendment, with changes therein which will be hereafter noted.

Section 206 of the Senate amendment authorized the Attorney General, whenever he deemed that a threatened or actual strike or lockout affecting an entire industry would imperil the national health or safety, to appoint a board of inquiry to inquire into the issues involved in the dispute. The board of inquiry was directed to investigate the matter and make a report to the Attorney General. The report was to include a statement of facts and a statement of the respective positions of the parties, but was not to contain any recommendations. Under section 206 of the conference agreement the authority is lodged in the President rather than in the Attorney General, and the report which the board of inquiry is to make is to include each party's statement of his own position. Like the provisions of the Senate amendment, the report of the board of inquiry cannot contain any recommendations. Furthermore, under the conference agreement the authority of this section may be invoked not alone when an entire industry is involved but where a substantial part of an entire industry is involved.

Section 207 of the Senate amendment provided for the composition of the board of inquiry, their compensation, and their powers to compel testimony. This section appears unchanged as section 207 of the conference agreement.

Section 208 of the Senate amendment authorized the Attorney General upon receiving the report of the Board of inquiry to apply to the appropriate district court for an injunction enjoining the strike or lockout, and the court was authorized to issue the injunction if it found that the strike or lockout affected the entire industry and would imperil the national health or safety. The Norris-LaGuardia Act was made inapplicable. Section 208 of the conference agreement follows the provisions of the Senate amendment except that, as heretofore stated, the authority is lodged in the President rather than in the Attorney General, and the injunction can issue if the strike or lockout affects an entire industry or a substantial part thereof.

Section 209 of the Senate amendment provided that after the district court had issued an injunction, it should be the duty of the parties to make every effort to adjust and settle their differences with the assistance of the new Federal Mediation Service. Neither party was to be under any duty to accept, either in whole or in part, and proposal of settlement made by the Service. Furthermore, after an injunction had issued, the Attorney General was directed to reconvene the board of inquiry. At the end of a sixty-day period (unless the dispute had been settled in the meantime) the board of inquiry was directed to report to the President the current position of the parties and the efforts which had been made for settlement. Such report was to be made public. Within the succeeding 15 days a secret ballot was to be taken of the employees of each employer involved in the dispute on the question of whether they desired to accept the final offer of settlement made by their employer. The conference agreement, in section 209, follows the provisions of the Senate amendment, with the authority lodged in the President rather than the Attorney General, and with the requirement that the board of inquiry include in its report a statement by each party of his own position. It is provided in the conference agreement that the employees vote on the employer's offer as stated by him.

Section 210 of the Senate amendment provided that upon certification of the results of the balloting under section 209 the injunction was to be discharged, and a full and comprehensive report of the whole matter was to be made to Congress. This provision is also included in the conference agreement, with only textual changes to conform this section to the policy of lodging the authority in the President rather than the Attorney General.

Section 211 of the Senate amendment contained a provision requiring the Bureau of Labor Statistics to maintain a file containing copies of collective agreements and arbitration awards which would be made available to the public unless involving information received in confidence. There was no comparable provision in the House bill. The conference agreement contains the provisions of the Senate amendment with minor clarifying changes.

Section 212 of the Senate amendment contained a provision stating that title II was

not to be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act. As previously noted, a similar provision, more restricted in scope, was contained in section 205 of the House bill. The conference agreement adopts the provision of the Senate amendment.

TITLE III

Section 301 of the House bill contained a provision amending the Clayton Act so as to withdraw the exemption of labor organizations under the Anti-Trust laws when such organizations engaged in combinations or conspiracies in restraint of commerce where one of the purposes or a necessary effect of the combination or conspiracy was to join or combine with any person to fix prices, allocate costs, restrict production, distribution, or competition, or impose restrictions or conditions, upon the purchase, sale, or use of any product, material, machine or equipment, or to engage in any unlawful concerted activity (as defined in section 12 of the National Labor Relations Act under the House bill). Since the matters dealt with in this section have to a large measure been effectuated through the use of boycotts, and since the conference agreement contains effective provisions directly dealing with boycotts themselves, this provision is omitted from the conference agreement.

SUITS BY AND AGAINST LABOR ORGANIZATIONS

Section 302 of the House bill and section 301 of the Senate amendment contained provisions relating to suits by and against labor organizations in the courts of the United States. The conference agreement follows in general the provisions of the House bill with changes therein hereafter noted.

Section 302 (a) of the House bill provided that any action for or proceeding involving a violation of a contract between an employer and a labor organization might be brought by either party in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, if such contract affected commerce, or the court otherwise had jurisdiction. Under the Senate amendment the jurisdictional test was whether the employer was in an industry affecting commerce or whether the labor organization represented employees in such an industry. This test contained in the Senate amendment is also contained in the conference agreement, rather than the test in the House bill which required that the "contract affect commerce."

Section 302 (b) of the House bill provided that any labor organization whose activities affected commerce should be bound by the acts of its agents and might sue or be sued as an entity in the courts of the United States. Any money judgment in such a suit was to be enforceable only against the organization as an entity and against its assets and not against any individual member or his assets. The conference agreement follows these provisions of the House bill except that this subsection is made applicable to labor organizations which represent employees in an industry affecting commerce and to employers whose activities affect commerce, as later defined. It is further provided that both the employer and the labor organization are to be bound by the acts of their agents. This subsection and the succeeding subsections of section 301 of the conference agreement (as was the case in the House bill and also in the Senate amendment) are general in their application, as distinguished from subsection (a).

Section 302 (c) of the House bill contained provisions describing the value of suits to which labor organizations were parties and section 302 (d) provided for the manner of service of process upon labor organizations. These provisions of the House bill appear unchanged as section 301 (c) and (d) of the conference agreement.

Section 302 (e) of the House bill made the Norris-LaGuardia Act inapplicable in actions and proceedings involving violations of agreements between an employer and a labor organization. Only part of this provision is included in the conference agreement. Section 6 of the Norris-LaGuardia Act provides that no employer or labor organization participating or interested in a labor dispute shall be held responsible for the unlawful acts of their agents except upon clear proof of actual authorization of such acts, or ratification of such acts after actual knowledge thereof. This provision in the Norris-LaGuardia Act was made inapplicable under the House bill. Section 301 (e) of the conference agreement provides that for the purposes of section 301 in determining whether any person is acting as an agent of another so as to make such other person responsible for his actions, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

Section 302 of the Senate amendment contained a provision making it unlawful for any employer to pay any money or thing of value to any representative of his employees employed in an industry affecting commerce, or for any such representative to accept from the employer any money or other thing of value, with certain specified exceptions. The two most important exceptions are (1) those relating to payments to a representative of money deducted from the wages of employees in payment of membership dues in a labor organization if the employer has received from each employee on whose account the deductions are made a written assignment not irrevocable for a period of more than one year or beyond the termination date of the applicable collective agreement, and (2) money paid to a trust fund established by the representative for the sole and exclusive benefit of the employees of such employer and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents). Such a trust fund had to meet certain requirements. Among these requirements were that the fund be held for the purpose of paying for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance. Furthermore, the detailed basis on which the payments were to be made had to be specified in a written agreement with the employer and the employees and employers had to be equally represented in the administration of the fund. Provision was made for the breaking of deadlocks on the administration of the fund, and the agreement covering the fund had to contain provisions for annual audit, and a statement of the results of the audit were to be made available for inspection by interested persons.

Violations of this section of the Senate amendment were made punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

Saving provisions were included to protect existing contracts between employers and employees.

The conference agreement adopts the provisions of the Senate amendment with minor clarifying changes.

BOYCOTTS AND OTHER UNLAWFUL COMBINATIONS

Section 303 of the Senate amendment contained a provision the effect of which was to give persons injured by boycotts and jurisdictional disputes described in the new section 8 (b) (4) of the National Labor Relations Act a right to sue the labor organization responsible therefor in any district court of the United States (subject to the limitations and provisions of the section dealing with suits by and against labor organizations) to recover damages sustained by him together with the costs of the suit. A comparable provision was contained in the House bill in the new section 12 of the National Labor Relations Act dealing with unlawful concerted activities. The conference agreement adopts the provisions of the Senate amendment with clarifying changes.

RESTRICTIONS ON POLITICAL CONTRIBUTIONS

Section 304 of the House bill contained a provision placing on a permanent basis the provisions which were contained in the War Labor disputes Act whereby labor organizations were prohibited from making political contributions to the same extent as corporations. In addition, this section extended the prohibition, both in the case of corporations and labor organizations, to include expenditures as well as contributions. Moreover, expenditures and contributions in connection with primary elections and political conventions were made unlawful to the same extent as those made in connection with the elections themselves. There was no comparable provision in the Senate amendment. The conference agreement adopts the provisions of the House bill, with one change. Under the conference agreement expenditures and contributions in connection with primary elections, political conventions, and caucuses are made unlawful to the same extent as those made in connection with the elections themselves. As a clarifying change the definition of a labor organization has been set forth in full rather than incorporating the provision of the National Labor Relations Act.

STRIKES BY GOVERNMENT EMPLOYEES

Section 207 of the House bill made it unlawful for any employee of the United States to strike against the Government. Violations of this section were to be punishable by immediate discharge, forfeiture of all rights of reemployment, forfeiture of civil service status, and forfeiture of all benefits which the individual had acquired by virtue of his Government employment. The conference agreement, in section 305, makes it unlawful for any individual employed by the United States or any agency thereof (including wholly owned Government corporations) to participate in any strike against the Government. Violations are to be punishable by immediate discharge and forfeiture of civil service status, if any, and the individual is not to be eligible for employment by the United States for three years.

TITLE IV—CREATION OF JOINT COMMITTEE TO STUDY AND REPORT ON BASIC PROBLEMS AFFECTING FRIENDLY LABOR RELATIONS AND PRODUCTIVITY

Title IV of the Senate amendment created a joint Congressional committee consisting of seven members of the Senate Committee on Labor and Public Welfare to be appointed by the President pro tempore of the Senate, and seven members of the House of Representatives Committee on Education and Labor to be appointed by the Speaker. The committee was directed to conduct a survey of the entire field of labor-management relations with particular emphasis upon particular described subjects. The committee was to make a report not later than February 15, 1948, containing the results of the studies together with its recommendations as to necessary legislation and such other recommendations as it might deem advisable. Authority was granted to hire technical and clerical personnel and to request details of personnel from Federal and State agencies. The committee was granted subpoena power and authority to conduct hearings whether or not Congress was in session. An appropriation of $150,000 was authorized to enable the committee to perform its functions.

Title IV of the conference agreement adopts the above provisions of the Senate amendment with one change. The committee is directed to make its final report not later than January 2, 1949.

TITLE V

Section 501 of the Senate amendment contained definitions of terms used in titles II, III, and IV It should be noted that none of the terms defined, however, have any application to the amendment to section 313 of the Federal Corrupt Practices Act since section 313 of the Corrupt Practices Act is not a part of "this Act"

Section 502 of the Senate amendment contained a provision that nothing was to be construed to require an individual employee to render labor or service without his consent, or to make the quitting of his labor by an individual employee an illegal act. It was further provided that the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at their place of employment should not be deemed a strike under the Act.

Section 503 of the Senate amendment contained the usual separability provision.

Sections 501, 502, and 503 of the Senate amendment are contained in the conference agreement with the same section numbers.

FRED A. HARTLEY, Jr.,
GERALD W. LANDIS,
GRAHAM A. BARDEN,
Managers on the Part of the House.

Mr. HOFFMAN (interrupting reading of conference report). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, I have a point of order to make against the report, and I want to be recognized for that at the proper time.

The SPEAKER. The gentleman will make it after the report has been read.

The Clerk continued reading the conference report.

Mr. HARTLEY (interrupting reading of conference report). Mr. Speaker, I ask unanimous consent that further reading of the report be dispensed with and that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, I have no objection to dispensing with the reading of the report, but I do not want to consent to the reading of the statement because if I did I would waive my point of order.

The SPEAKER. The gentleman's rights will be fully protected.

Mr. MARCANTONIO. Mr. Speaker, not having had access to this report until this morning, I think the House should hear it. Therefore I am constrained to object.

The Clerk continued the reading of the conference report.

Mr. MICHENER. Mr. Chairman, I ask unanimous consent that the further reading of the report be dispensed with.

Mr. MARCANTONIO. I am constrained to object, Mr. Speaker.

The Clerk concluded the reading of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

Mr. HOFFMAN. Mr. Speaker, I make a point of order against the conference report.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, the report is not in order for the following reasons:

Only those matters which were in disagreement between the two Houses were before the conferees and the conferees have changed the text heretofore agreed to by both Houses; and

The report inserts additional matter which, even though germane, the conferees had no authority to insert.

In H. R. 3020—print of April 18, page 33—and in H. R. 3020—in the Senate of the United States, May 13 print, page 33—the language reads as follows:

SEC. 9 (f) (6). No labor organization shall be certified as the representative of the employees if one or more of its national or international officers, or one or more of the officers of the organization designated on the ballot taken under subsection (d), is or ever has been a member of the Communist Party or by reason of active and consistent promotion or support of the policies, teachings, and doctrines of the Communist Party can reasonably be regarded as being a member of or affiliated with such party, or believes in, or is or ever has been a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

In the bill as it passed the Senate, section 9 (h) of H. R. 3020, Senate print of May 13, the language, page 93, is as follows:

SEC. 9 (h). No labor organization shall be certified as the representative of the employees if one or more of its national or international officers, or one or more of the officers of the organization designated on the ballot taken under subsection (c), is a member of the Communist Party or by reason of active and consistent promotion or support of the policies and doctrines of the Communist Party can reasonably be regarded as being a member of or affiliated with such party, or believes in, or is a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

It will be noted that the only difference between the language in the House and the Senate bills is that in the Senate version there is omitted after the word "is", in line 7, and the word "is", in line 11, the words "or ever has been", which are contained in the House bill; and that, in the Senate bill, the word "teachings", which is in the House bill, has been omitted after the word "policies" at the end of line 8 of paragraph (h).

This section, which is section 9, entitled "Representatives and Elections", deals with the designation of certification of representatives for collective bargaining.

Section 9 (a) of H. R. 3020, conference committee print, May 30, beginning page 22, deals with the same general subject, "Representatives and Elections." It contains no provision whatever similar to the above-quoted provisions from the Senate and House bills dealing with the subject of certification as representatives of the employees and calls for no certificate similar to that described in the provisions of either bill, but it adds an entirely new requirement—section 9 (h), page 30, conference print—which denies an investigation of a complaint unless there is on file with the Board an affidavit stating certain facts.

The language of this section is as follows—page 30:

SEC. 9 (h). No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 9 (e) (1) shall be entertained, and no cofnplaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of, or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 A of the Criminal Code shall be applicable in respect to such affidavits.

The language of the Senate and the House bills dealing with the certification of a labor organization as a representative of the employees being practically identical, the conferees had no authority to impose a similar requirement as a condition precedent to an investigation by the Board.

The Senate and the House bills dealt with the certification of a union as a representative for the purpose of collective bargaining, while the conference report deals with an entirely different subject, that is, an investigation of a complaint and the authority to entertain a complaint.

The power conferred upon the Board to investigate complaints is contained in section 10 of H. R. 3020—Senate print of May 13, page 36 and subsequent pages.

The same power is conferred upon the Board by section 10 (b) of the Senate bill—page 94 of the May 13 print.

But neither section 10 of the House bill nor section 10 of the Senate bill, nor any other section of either bill, contains any limitation upon the investigatory power of the Board which requires the filing of the affidavit called for by section 9 (h) of the conference report.

The conferees have no authority to add this new additional restriction upon the powers of the Board, neither Senate nor House having imposed any such restriction upon the Board's power to investigate complaints as to unfair labor practice.

If it be argued that the provisions of the two bills with reference to the certification of a labor organization as the collective bargaining representative are not technically identical, it is still true that this second objection is good for the reason that the conferees have added new matter to the bill, which was never given consideration by either House, as a restriction upon the power of the Board to make investigations of unfair labor complaints and to issue complaints.

While it is true that—in the conference report—section 9 (h) is carried under the subtitle of "Representatives and Elections," the paragraph itself and

the language in it contain these additional requirements, and I quote beginning in line 6, page 30:

> No petition under section 9 (e) (1) (and this is a petition for a closed shop—page 26) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit—

Setting forth certain facts.

Now, subsection (b) of section 10 is under the subtitle "Prevention of Unfair Labor Practices," and the procedure found in section (b) of section 10 has to do solely with charges of unfair labor practice.

There is in neither Senate—section 10, page 94, H. R. 3020, Senate print of May 13—nor House bill—section 10, page 36, H. R. 3020, May 13 print—any language limiting the power of the Board to either entertain a charge or issue a complaint similar to the limitation contained in section 9 (h).

It necessarily follows that, if the conferees were conferring on the House and Senate bills, they exceeded their power in adding this restriction to the power of the Board when neither House considered, debated or passed upon that restriction.

If the Speaker holds that the conferees were not considering the House bill—had under consideration only the Senate bill—then under the rules of the House I concede the conferees had authority to write a new bill.

The SPEAKER. Does anyone desire to rise in opposition to the point of order?

Mr. MICHENER. Mr. Speaker, I rise in opposition to the point of order.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield to make one more statement?

Mr. MICHENER. Certainly, I yield to the gentleman from Michigan.

Mr. HOFFMAN. I want to add that this point of order is made not only in good faith but also for the purpose of bringing to the attention of the Members of the House, if the ruling is adverse, that they are not considering the Hartley bill which was adopted by the House by a vote of 308 to 107 but they are considering an entirely new bill that was written in conference by seven men—three from the House and four from the other body.

Mr. MICHENER. Mr. Speaker, in the case before us the House passed the Hartley bill, H. R. 3020. The Senate amended the Hartley bill by striking out everything after the enacting clause and inserting a new bill which was in fact a substitute for the House bill. The House bill was generally referred to as the Hartley bill and the Senate substitute as the Taft bill. The Senate sent the amended Hartley bill back to the House and requested the concurrence of the House in the Senate amendment. The House refused to agree to the Senate amendment, and the Hartley bill, as amended by the Senate, went to conference. The conferees accepted neither the House bill nor the Senate substitute, but in fact wrote a new bill, which is embodied in the conference report against which the gentleman from Michigan [Mr. HOFFMAN] has made a point of order.

My colleague from Michigan insists that the conferees have exceeded their authority; that they had no power to write a new bill, and that in addition they have inserted language not found in either the House bill or the Senate bill.

I am sure the Speaker realizes that my colleague from Michigan has not raised a new question and that there are numerous precedents and rulings made by Speakers down through the years covering this very point. The House was not advised that this point of order was to be made, and I have had no opportunity to make a careful research of the precedents. I do hold in my hand, however, Cannon's Procedure in the House of Representatives where the authorities and precedents are collated. I shall not read the long list of precedents but call the Speaker's attention to the last paragraph on page 128 of Cannon's Procedure which reads as follows:

> Where one House strikes out of the bill of the other, all after the enacting clause and inserts a new text, conferees may discard language occurring both in the bill and the substitute (VIII, 3266), and exercise a wide discretion in the incorporation of germane (VII, 3263-3265) amendments and may even report a new bill germane to the subject (V, 6421, 6423, 6424; VIII, 3248).

Mr. Speaker, it is clear that the conferees had a perfect right to write a new bill, which in reality is a substitute for the House bill and the Senate substitute. The only limitation under the above decision placed upon the conferees is that they may not insert any material in the conference report or the conference bill which is not germane to the subject. A reading of the conference report is conclusive proof that nothing has been injected in the conference report that is not germane to the subject covered in the Hartley bill and in the Taft substitute. If this conclusion is correct, and I believe it is, then the Speaker, following precedent, must overrule the point of order.

Mr. HALLECK. Mr. Speaker, in opposition to the point of order raised by the gentleman from Michigan [Mr. HOFFMAN] I would like to point out that in the Hartley bill, H. R. 3020, as adopted by the House of Representatives there was a provision seeking to deal with the matter of Communist-dominated unions. There was a similar provision in the Senate bill, that is, similar in that it went to the same objective. However, even the language in those two provisions was not identical. If my memory serves me correctly, the Senate provision did not have what has come to be known as the Bell amendment offered by the gentleman from Missouri, so there clearly was a difference in the language of those two particular sections as well, of course, as there is complete difference, as the gentleman from Michigan [Mr. MICHENER] has so ably pointed out, in that the Senate struck out all after the enacting clause and substituted entirely new language.

So, I insist, Mr. Speaker, that the language as written in the conference report deals with the identically same subject matter. It seeks to deal with the matter of Communist domination and leadership in unions. Hence it is germane. There is no new matter added. There is no question involved as to taking out any language that was identical in both bills because, as I have pointed out, and as the gentleman from Michigan has pointed out, the language is not identical.

The SPEAKER. Does the gentleman from Michigan [Mr. HOFFMAN] desire to be heard further?

Mr. HOFFMAN. Mr. Speaker, I raise no question about the germaneness of the language put in by the conferees; that was not my point. The point was that they had added additional language to the bill which was in neither bill. But if, as I stated before, the conferees were considering and the House is now considering an entirely new bill written by the conferees, then I concede my point is not well taken. My purpose was to make it clear to the House and to the country that we are not passing the House bill. We will be voting upon something entirely different.

The SPEAKER. This is not a new point of order. It has been many times presented to the House and there are many decisions relative to what the gentleman from Michigan contends. The decisions on this question date back practically more than 100 years, and precedents have been established on several similar points of order. When either branch of Congress strikes out all after the enacting clause of a bill of the other there is unusually wide latitude permitted for the conferees to work on to secure a meeting of the minds between the two bodies. There is no question in the mind of the Chair but what there is no new matter worked here. It is all contained in one or the other of the two bills which were sent to conference.

In that connection the Chair wishes to read a previous decision which was made by the distinguished gentleman from Texas [Mr. RAYBURN], former Speaker of the House, on March 27, 1945, when the mobilization of civilian manpower bill conference report was under consideration. The gentleman from Texas [Mr. RAYBURN] at that time when a similar point of order was raised stated:

> This is an old question. The Chair recalls that this question was originally passed upon by Mr. Speaker Henry Clay on the 23d of June 1812. It was passed upon, and the Chair has before him the specific question, by Mr. Speaker Colfax on March 3, 1865, in which Mr. Speaker Colfax held:
>
> "Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide range of discretion in incorporating germane matters and may even report a new bill on the subject."
>
> Mr. Speaker Clark on June 12, 1917, held:
>
> "Where one House has amended the bill of the other House by striking out all after the enacting clause and substituting a new text, the conferees have the entire subject before them and may report any germane bill."
>
> The Chair might state that that decision was followed by Mr. Speaker Gillett in the early 1920's and by Mr. Speaker Longworth between 1925 and 1931.

The Chair is convinced the conferees have followed well-established precedents and therefore overrules the point of order.

Mr. HARTLEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I do not believe that any committee of this House has had a more difficult job and a more difficult problem facing it than the House Committee on Education and Labor. It has been made difficult because I believe there have been more misstatements and more exaggerations stated in connection with the bill as it originally passed the House and as it has finally been agreed upon in conference than any bill that ever went through this body in the 19 years I have been a Member. Those of us who really want to see a bill enacted into law have been criticized very severely on both sides. We have been criticized by those who do not want any bill at all. They have called the bill drastic, and they have called it antilabor and have called its sponsors labor baiters. They have charged that it is going to wreck the labor movement. On the other hand there are those who either want no bill at all or who would really cripple the labor movement, who attack it on the other side. So I say to the Members of the House, I believe those of us who have made concessions and who have gotten a bill before you today that can be enacted into law have rendered a service to the Nation, we have rendered a service to labor, and we have rendered a service to the general public as well.

Entirely too much emphasis has been placed on the so-called concessions that the House conferees made during the conference. I will be very frank and say that I agreed to some of these concessions very reluctantly. I would much rather have seen the House bill as it originally passed enacted into law, but I want to see a bill that can be enacted into law passed by this Congress.

Just what really basic concessions did the House conferees make? We conceded on the ban in our bill in industry-wide bargaining. We conceded on the ban in our bill on welfare funds. We conceded on the question of injunctions to be obtained by private employers and on the provisions making labor organizations subject to the antitrust laws.

I call your attention to what is left in this bill, because I think you are going to find there is more in this bill than may meet the eye and may have been heretofore presented to you. This bill still exempts supervisors from the act. It prohibits the closed shop. The House conferees were able to obtain Senate agreement to our policy finding. This bill, contrary to reports that have gone out—and the Senate conferees agreed with us on this—does prohibit mass picketing and the use of violence in the conduct of a strike. On that provision we accepted the Senate language, which does restrict intimidation and coercion. This bill bans jurisdictional strikes and boycotts. It provides free speech for all. It amends the National Labor Relations Act, and those amendments to the act will become effective 60 days hence. This bill also, contrary to some reports that have gone out, does ban featherbedding. The bill also provides a section dealing with strikes which imperil the national health and safety.

May I say in passing if you want to meet John L. Lewis face to face and anyone else who is going to try and tie up our entire economy, and if you want to prevent a serious attack upon our economy, then you are going to do it by endorsing that provision in this bill.

This section provides: That the President shall, whenever he considers that the national health and safety is imperiled by a strike in a Nation-wide industry or substantial part thereof, first appoint a board of inquiry which shall obtain the facts and shall report to him within a reasonable time as specified by the President. When that board of inquiry makes its report, then the Attorney General is authorized to seek an injunction. And if the court also finds that the national health and safety is imperiled, the injunction is issued. Thereupon, there is provided a 60-day period of conciliation.

Once again the board of inquiry makes its report to the President and the public, too, will know the issues involved. Then, there will be a vote by the employees on the last offer of the employers or individual employer.

This bill also prohibits strikes against the Government.

The bill furthermore prohibits political contributions or expenditures by both employers and labor organizations.

The bill creates a Federal mediation and conciliation service separated from the Labor Department.

The bill further prohibits labor organizations from invoking the processes of the act unless all of the officers file affidavits with the board that they are not members of the Communist Party or other subversive organizations.

The present law relating to unfair labor practices by employers remains as is.

This bill also sets up a joint congressional committee for further study of the labor situation. Some of these issues still will have to be determined and perhaps given further study or more adequate study, and if we find that sort of a situation we can then come back to the Congress with additional legislation.

This bill also prohibits excessive or discriminatory initiation fees by labor organizations.

Once again the bill permits a check-off only if the individual concerned authorizes it, and that is revocable in 1 year.

This bill once again protects the validity of State laws on labor. Here is how we do it. This bill provides for an addition to the present board of two members. In other words, it creates a board of five members.

It abolishes the review section of the present National Labor Relations Board which has always caused so much trouble where the local examiners went in and helped influence the final decision of the Board.

It creates a general counsel who shall be independent of the Board and on all complaints by employees the counsel shall be the investigator and prosecutor, and the Board itself will be merely a quasi-judicial board passing on the case as presented by the counsel.

In addition to that, the bill requires that the rules of evidence shall apply as far as local examinations are concerned. The bill says that the Board itself shall move only on a preponderance of the evidence and also materially broadens the scope of the judicial review.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. HARTLEY I yield.

Mr. OWENS. I believe that one of the most important portions of this bill is the division of powers; that is, the division of the functions, the investigation, the prosecution, the complaints, and the judicial end. The gentleman mentioned that the general counsel would be absolutely independent.

In the language on page 12 of the bill, page 24, page 30, page 31, page 32, and other parts, it constantly refers to the Board.

The SPEAKER. The time of the gentleman from New Jersey [Mr. HARTLEY] has expired.

Mr. HARTLEY. Mr. Speaker, I yield myself three additional minutes.

Mr. OWENS. It is my understanding that the conference is saying to the House at this time that those different sections, where they mention the Board, mean that it is the general counsel who shall have the power to proceed with the investigation, with the complaint, and shall have complete power over the attorneys who are prosecuting; that the Board shall not control him or have the right of review in any way. Is that correct?

Mr. HARTLEY. The gentleman's opinion is absolutely correct. The reference to the Board was necessary because, in order to have this man independent of the Board, we had to use the term "Board." Otherwise we would have had to set up a completely independent agency. The gentleman's understanding is correct. He acts on behalf of the Board but completely independent of the Board.

Mr. MACKINNON. But while he is completely independent of the Board, he is authorized, insofar as his duties are concerned, to act in the name of the Board?

Mr. HARTLEY. Yes; in the name of the Board.

Mr. KERSTEN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HARTLEY. I yield.

Mr. KERSTEN of Wisconsin. I wish to compliment the gentleman on the very fine exposition he is making of the conference report. I would like to ask the gentleman about that portion which pertains to the validity of State laws. Wisconsin and other States have their own labor relations laws. We are very anxious that disputes be settled at the State level insofar as it is possible. Can the gentleman give us assurance on that proposition, so that it is a matter of record, that that is the sense of the language and of the report?

Mr. HARTLEY. That is the sense of the language of the bill and of the report. That is my interpretation of the bill, that this will not interfere with the State of Wisconsin in the administration of its own laws. In other words,

this will not interfere with the validity of the laws within that State.

Mr. KERSTEN of Wisconsin. And it will permit as many of these disputes to be settled at the State level as possible?

Mr. HARTLEY. Exactly.

Now, I would like to say in connection with the so-called concessions, that the greatest concession that was obtained by either body was obtained by the House when the House Labor Committee insisted upon an omnibus bill. I say to you in all sincerity if we had not insisted on an omnibus bill in the first instance I do not believe we would have 10 percent of this legislation ever enacted into law. If we had adopted a piecemeal approach that was proposed in the other body very little would have been enacted into law.

I also want to make it perfectly clear that there was no concession made except upon the assurance that it would provide us votes in another body to be certain that the legislation would be enacted into law.

There is an error of transposition in the statement of the House managers on the bill. On page 44 of the report containing the statement of managers, the sentence appearing at the end of paragraph (1)—the paragraph discussing section 8 (b) (2) of the conference agreement—was meant to appear at the end of paragraph (3), in the discussion of section 8 (b) (4).

This is a change in the trend of the last 25 years or so, in labor legislation, but let me remind you of this: This bill was written primarily to put labor and management on an equal basis, but above the rights of labor and above the rights of management, we were thinking in terms of what is best for the general public. We tried to protect the interests of the general public and I think we have done it. It is a moderate bill. It is fair to both labor and management, but, above all, it protects the public interest. I hope the conference report is adopted by a vote of at least 3 to 1.

The SPEAKER. The time of the gentleman from New Jersey [Mr. HARTLEY] has again expired.

Mr. HARTLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LESINSKI].

Mr. LESINSKI. Mr. Speaker, in my 15 years of service in the House I have never been burdened with a more solemn or difficult task than is mine today.

It is difficult because I know full well that the outcome is already determined. I harbor no hope that what I or others say or do here today will alter the final vote. It is a greater tragedy because of this knowledge. Today minds are no longer receptive to argument nor open to suasion. I am fully aware of a determination on the part of a majority of this Chamber to adopt without full consideration the conference report before us. This knowledge only makes my responsibility the greater and the inevitable outcome the more distressing.

I have said this is a solemn occasion. It is solemn to me, and my heart is heavy with contemplation of what our action today will mean to America's future and to the welfare of our Nation. Indeed, I could not contemplate it without abandoning hope of our future if it were not for my limitless faith in the peoples of the United States who will not tolerate for long a legislative grant of special privilege. I cannot let the occasion pass without a word on what we are about to do.

The first indications of recession are already abroad, but a majority of this Congress appear to be blissfully unaware of the danger signals. Instead of caution and attention to a program that will prevent another economic collapse and improve the well-being of our people, we are unhappily prepared to strike another body blow at the workingman, who is the sole hope of stability and prosperity. Rather than sincere efforts to expand and increase the welfare and purchasing power of the great mass of wage earners, we are invited instead to further weaken their strength, to enervate their organizations, and to suppress their legitimate rights.

The majority party never seems to learn the lessons of history. After the First World War, industry, with the cooperation of the Congress, virtually destroyed the American labor movement. Oh, it was all accomplished in the interest of business revival and a return to normalcy. But what did that concept of normalcy mean to the man who works with his hands and by the sweat of his brow? It only meant that his rights were denied him, that his wages were decreased, that his purchasing power was absorbed by entrenched and more powerful interests, and that he was denied any assistance from his Government. To America it meant that the forces of economic collapse were rampant in the hands of a privileged few who gained special advantage from others' misfortune.

We all know what a debacle followed. Are we today willingly to undertake another step along the same road? Have we learned nothing from past experience?

In sharp contrast is our experience since 1933. Beginning in 1933, a balanced program of recovery was initiated. Neither industry nor labor received special advantage. The result was an economic team that revived America and thus the world. Labor was accorded protection against infringement of its natural rights and provided an atmosphere within which to achieve its legitimate aspirations. Wages were increased, purchasing power expanded, industrial activity increased to meet the new demands, and the resulting prosperity was the envy of the world and a challenge to history. The momentum attained inspired the cooperative efforts of World War II—and need I remind this Congress of the miracles we then accomplished?

Striking, in its similarity, is the experience of Europe and the Orient. In Russia labor was controlled. In Italy labor was suppressed. In Germany and Japan labor was placed in a strait-jacket. The inevitable result of such blind, unreasoned disregard of moral rights and government irresponsibility led directly to dictatorship. No other result was possible. A natural right cannot long be suppressed without the aid of force for it lies deep within the very soul of man and is as powerful and real as life itself. The only real, lasting guaranty of democracy is the common man. Deny him and you reject democracy.

We must choose here—today—are we willing to suppress his rights and, if so, will we be willing at a later date to tolerate the conflicts that will result or in the alternate to provide the force that will be necessary to keep him suppressed?

I say this in all sincerity. We are not here treating an ordinary matter. We are today concerned with a fundamental, natural, human right—that depends neither on the Constitution nor action of the Congress. It exists because man exists.

We have been told that we must limit this right; that we must guard against the power of labor; that labor has gone too far; that because labor has exercised its rights and organized for common purposes that its collective strength is a danger that must be suppressed. But in dealing with the natural rights of a group of persons acting in concert, you are no less dealing with the human rights of each individual. We cannot escape the responsibility—nor in good conscience can we be blind to the inevitable results.

Why am I so serious and why do I seem so melancholy today? Mr. Speaker, if this body were fully aware of the provisions of this bill and determined to proceed irrespective of its implications and inevitable catastrophic results, I would be far less concerned because at least our action would then be based on knowledge and thus the results intended. But unfortunately, that is not the fact.

The matter before us is no ordinary piece of legislation. It is one of the most adroit and plausible and seemingly rational proposals presented to the Congress in my experience. But in it danger lies, not only in its potential effects, but in its subtlety. The Congress is being misled. Too few in this Chamber have analyzed this measure, and its implications to America, to act rationally. The "cloven hoof" is concealed in a stylish shoe.

Its proponents prate against power—but here license the powerful to oppress the workingman.

They speak out against concentration of Government authority—but here create an agency with more power over labor and management than ever before in history.

They condemn bureaucracy—but here impose administrative requirements on an agency of Government that will require that its staff be expanded threefold, and at least two new agencies be created.

They argue their love of labor—but here place their stamp of approval on company unions and Government injunctions.

They abhor Government interference—but here impose the most unconscionable restriction on labor organizations and require detailed reports submitted by no comparable activity.

They are for God and country—but here tamper with natural rights which

are beyond our ken, and contribute to a reversal of economic prosperity by depriving workers of their strength.

Oh, and that is not all—but it is too late.

It will be too late today to avoid the prearranged results to follow. But the hope of America is in tomorrow, and this evil thing will, mark my words, shortly be undone.

Mr. HARTLEY. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. BUCK].

Mr. BUCK. Mr. Speaker, I am disappointed in the conference labor bill. In my opinion, the House bill embraced the provisions desired by the great bulk of the American people. But, since all legislation is a product of compromise and since the conference bill is preferable to no bill at all, I support and urge its approval by the Members of this House.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the conference report on H. R. 3020, known as the Hartley-Taft bill, cannot be intelligently discussed in the short time allotted. Columns of misleading propaganda have been given the public, by certain newspapers and commentators, that the conference committee bill is a much milder bill than the labor legislation passed by the House over a month ago. This propaganda is misleading and issued in order to confuse the Members of Congress and the public. The American people have been led to believe that employers generally are in favor of the Hartley-Taft labor bill. The vast majority of industrial management, if they were thoroughly familiar with the provisions which are so cleverly set up in the conference report of H. R. 3020, would be opposed to this legislation. In the past few weeks I have spoken to gatherings on this legislation in New Jersey, Pennsylvania, and the Calumet region in Indiana. I have had employers come to me after the meetings and express concern and apprehension over its passage. They possess this attitude in spite of the fact that 90 percent of the misleading propaganda on this bill has been intensely and unfairly antilabor. I might call the Members' attention to one major industry whose management cooperated and faithfully bargained collectively with the union representing their employees. I refer specifically to the steel industry in the Calumet region of Indiana. I have on this table protest petitions containing over 20,000 signatures from the Calumet region (Lake County, Indana) against this Hartley-Taft bill. These signatures are from workers, businessmen, farmers, veterans, and so forth. After World War I, this great industrial area was plagued with strikes and lock-outs, involving terrific property damage and loss of life. Members can recollect more recently when 19 industrial workers were shot down in the South Chicago strike riot on Memorial Day 1937. This was before the Wagner Act. In spite of the unreasonable rise in the cost of living and the reduction of take-home pay since VJ-day, industrial unrest in the Calumet region has been at a minimum and strikes have been practically negligible. The propaganda used by the sponsors of this legislation to mislead the American public has been a systematic magnifying of a few unfortunate labor-management strikes and disputes which have occurred throughout the country. Nothing has been said about the tens of thousands of labor disputes which have been equitably and justly settled under the existing National Labor Relations Act.

I know that a great number of Members on this floor have not digested and thoroughly analyzed the 73 pages in this conference report. I will refer to but a few provisions in the limited time allotted.

Section 8 (a) (3) pretends to permit union security such as maintenance, union shop, and so forth, but it provides that the union must secure an affirmative vote of a majority, not only of those who participate in the vote but of all the employees in the entire unit (including those who failed to turn out to vote). Imagine the difficulty involved in a provision like this where twenty or thirty thousand men work in one separate plant, like an automobile factory or a steel mill. Other provisions in this section practically nullify union security.

It also provides under section 9 (e) (2) that after the union has cleared all the impeding hurdles involving elections, contracts, and so forth, in the above section, that after 1 year, a minority group of 30 percent of the employees can secure a new ballot to take away the right to union security.

It also provides that even though a majority or unanimous vote may have authorized the collective-bargaining representative to negotiate a check-off, the collective representation must be broken down into individual assignments.

The bill in section 2 and in section 10 retains some of the language of the present Wagner Act, recognizing that public policy requires collective bargaining, but in a comprehensive reading of the collective-bargaining sections, one can easily see that an obstinate, unfair, and uncooperative employer can practically nullify collective bargaining under the provisions of this legislation.

Under section 9 (f) (g), even if the employees succeed in organizing themselves, the bill discovers new ways of preventing them from achieving collective-bargaining rights. Another of the unfair and hidden impediments to good faith collective bargaining is the following: An unfair employer could evade any obligation to bargain with a union representing any or all of his employees if he can show that among all the members of the international union throughout the country, there may have been one union member who did not receive the required financial report. As a matter of fact, under the bill, the employer would not even have the burden of proving this because the burden is on the union to show that it has furnished to all of the members such a report.

Further, under section 9 (h), once an officer of either the local or national union anywhere in the country would neglect or fail to file an affidavit that he or she at one time was a member or affiliated with the Communist Party, then all collective bargaining with all locals of that national union throughout the country may break down. Thousands of innocent union members would suffer by reason of the refusal or neglect of an individual union officer in some remote part of the United States to file the required affidavit.

Section 8 (b) (4) of the bill seriously restricts the right of employees to strike or boycott for the purpose of protecting their own organizations and their wage-and-hour standards against the destructive competition of nonunion labor. This section is not limited to the prevention of those jurisdictional strikes and secondary boycotts which President Truman recommended should be banned, but prohibits forms of peaceful economic action by unions which are recognized by courts as legitimate and justified. Another restriction on labor is found in section 8 (d) where, for violation of the 60-day cooling off requirement, the employer may be found by the National Labor Relations Board to have refused to bargain and thereupon be ordered by the Board to bargain; but—employees who strike within the 60-day period will be guilty of an unfair labor practice and in addition, lose their status as employees, and may thereafter be discriminatorily discharged even though an unfair employer might have deliberately provoked the strike for the purpose of ridding himself of union labor.

Section 9 (c) (2) welcomes back to the industrial scene the insidious company dominated union.

Section 10 (j) (1) brings back once more the hated Government injunction from which labor thought the Norris-LaGuardia Act had forever freed it.

Other sections of the bill are equally unsound. Section 3 (d) places sole authority over the investigating and prosecuting functions of the Board in its general counsel, calls for the centralization of excessive power in one individual and, in effect, makes the Board itself subject to him.

Section 8 (b) (2) makes it an unfair labor practice for a union to cause an employer to discharge a nonunion employee under the union-shop contract where the employee has been denied membership or has been expelled from the union for some reason other than his failure to pay dues or initiation fees.

Section 8 (c) goes far beyond the mere protection of the constitutional right of free speech and prescribes that statements which contain no threat of reprisals, force, or promise of benefit may not even be considered as evidence of an unfair labor practice. In no other field of law are a man's statements excluded as evidence of an illegal intention.

Section 9 (c) (3) denies the right to vote in a representation election to employees then on strike because of an economic dispute. This provision is particularly vicious because it enables an employer, by a petition for an election filed by either himself or a minority of his employees, to secure the rejection of an established bargaining agent at the

very time that the public interest makes it particularly urgent that collective bargaining continue.

The whole bill is administratively unworkable. Numerous new functions are added to those which the National Labor Relations Board already finds itself handicapped in performing because of lack of funds. For example, the Board must resolve jurisdictional disputes, secure injunctions, and police the internal affairs of unions. It must make such determinations as the reasonableness of union initiation fees and what constitutes feather-bedding, with vague standards or none at all to guide it. Its work is needlessly increased by the prohibition of such useful and time-proven devices as prehearing elections and consent-card checks, and it is hamstrung in conducting its hearings by the requirement that it do so in accordance with strict rules of evidence—a requirement made of no other governmental administrative tribunal working in a specialized field.

I have pointed out only a few of the objections, as I see them, to the bill in its present form. It is clear that such a bill is not intended to encourage but rather is intended to discourage self-organization by employees and collective bargaining with their employers. The bill will not decrease but will produce and prolong strife and conflict in labor-management relations; it will not promote but will defeat the objectives which we are now striving so mightily to achieve, a high standard of living, full production and full employment in a peaceful world.

During the month-long open hearings of the House Committee on Education and Labor, remarks were made by some of the majority members of the committee that the American people gave the Eightieth Congress a mandate to pass strict regulatory laws involving union labor.

At no time during the campaign last fall did I read or hear, either on the radio or the public platform, any responsible Republican leader or candidate publicly tell the American people that the Republican Party would sponsor legislation similar to the Taft-Hartley bill, if they secured control of the Eightieth Congress. In fact the reverse was the assurance that the Grand Old Party gave to the voters during the last two campaigns.

I will now read part of the Republican platform of 1944:

> The Republican Party is the historical champion of free labor. Under Republican administrations, American manufacturing developed and American workers attained the most progressive standards of living of any workers in the world. Now the Nation owes these workers a debt of gratitude for their magnificent productive effort in support of the war.
>
> The Republican Party accepts the purposes of the National Labor Relations Act.

Governor Thomas Dewey, the present titular head of the Republican Party, in a speech at Seattle, stated, and I quote:

> The National Labor Relations Act is a good and necessary law. It acknowledges the trend of our times and will continue to be the law of the land.

On January 8, 1947, just 4 months ago, Governor Dewey set forth the labor policy of his administration in the following words:

> The labor policy of the State rests on a maximum of voluntary mediation and a minimum of government compulsion. This policy has promoted free collective bargaining. It has been widely successful in preventing strikes and violence. We propose to continue this policy.

The Republican Party should have informed the American wage earners last fall of the true mandate which they intended to carry out if they secured control of the Eightieth Congress.

The Eightieth Congress should have followed President Truman's recommendation of January 6, 1947, in his state of the Union message when he said:

> We must not, under the stress of emotion, endanger our American freedom by taking ill-considered action which will lead to results not anticipated or desired.

The President further said:

> We should enact legislation to correct certain abuses and to provide additional Government assistance in bargaining, but we should also concern ourselves with the basic cause of labor-management difficulties.

The President urged creation of a temporary joint commission to inquire into the entire field of labor-management relations composed of 12 Members of Congress, chosen by Congress and 8 members representing the public, management, and labor appointed by the President. He suggested that this commission investigate and make recommendations to the Congress.

Had this Congress followed President Truman's recommendation constructive labor-management legislation might have been presented to the Congress.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. LANDIS], a member of the committee.

Mr. LANDIS. Mr. Speaker, Congress has a responsibility to enact labor legislation that will be constructive and give first consideration to the welfare of the Nation. I realize we cannot solve all labor-management problems by legislation, but we can stop the Red labor leaders and labor racketeering.

Labor leaders do not want any labor legislation. They want the house of labor to solve these problems. But the American public has waited patiently for them to act. Industrial unrest proves that our present labor laws are thoroughly inadequate of attaining industrial peace. And Congress intends to do something about it in terms of what is best for all of the people.

The proposals in the conference report are not harsh or punitive. Labor still has the right to strike, and the rank and file of labor will have the right to take a greater part in their problems with the right of the secret ballot. Labor will still have the right to bargain with management on the local plant level, region, or on an industry-wide basis. Labor will still have the right to the voluntary check-off and the right to bargain collectively on wages, hours, safety measures, and better working conditions. Craft unions will get more protection under the globe doctrine which is written in the bill.

This conference report will take care of labor abuses without destroying labor's rights. It completely outlaws jurisdictional strikes, wildcat strikes, and secondary boycotts. However, these are labor evils and abuses and not labor rights.

In order to stop the strikes which threaten the health and welfare of the Nation we have set up a plan, in many ways, like the Railway Labor Act. It is a plan to bring the two sides together without harming labor, management, or the public.

We added the following sections to the Senate bill: Barring political contributions and expenditures by labor unions, as well as by employees, separation of functions, rules of evidence, bar strikes against the Government, make it a violation of the law for a union to try to compel an employer to pay its members for services not performed, initiation fees of unions are to be controlled by the NLRB, plant guards can organize in a separate organization, and the rank and file of labor will be permitted to take a secret ballot on the last offer, and most of the bill of rights.

The NLRB will be expanded to five members and take on judicial functions. The general counsel of the NLRB will become the key labor-enforcement officer of the Government. He will head the staff in the regional offices. He will have the final authority over whether complaints of unfair-labor practices shall be filed against employers or unions. The general counsel is to be selected by the President and confirmed by the Senate.

These proposals are not perfect but they will go a long way toward reducing future strikes. Legislation is not the complete answer to our problems in labor relations. Much will depend upon the administration of labor laws.

The Senate and House conferees were anxious to get a bill which would correct labor abuses—and yet give the President sound reason for approval.

There has been some misinformation on some of the penalties on most important things, and I should like to give you the penalties in this bill. First is the secondary boycott. The penalty for a secondary boycott is first, mandatory injunction by the regional office of the Board; second, suit for damages; and third, the employee discharged therefor not entitled to reinstatement.

Second, jurisdictional strikes; the penalties for jurisdictional strikes are, first, discretionary injunction by the regional office of the Board, second, suit for damages, and third, employee discharged therefor not entitled to reinstatement.

Third, on violence, mass picketing, and other intimidation and coercion, the penalties are, first discretionary injunction by the Board, second, possible suit for damages; third, cease-and-desist order of the Board; and fourth, employee discharged therefor not entitled to reinstatement.

The closed shop is prohibited and the union shop is permitted if a majority of the employees vote for it. There must

be over 50 percent of the vote of the entire membership of the employees in order to get the right to bargain collectively for the union shop.

Of course, the employees do have a right to bargain collectively and have the right to strike for a union shop and not a closed shop. The closed shop is outlawed.

Mr. HARTLEY. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Speaker, when I voted against the passage of the House omnibus labor bill on April 17 I told the House I favored most of the bill's provisions but I could not go along with the ban on industry-wide bargaining and the provision for the use of private injunctions. These have been eliminated in conference and I shall support the measure now before us.

I do not endorse every section of this bill, but I do believe that it will make for greater equality between labor and management in industrial relations and that its necessary provisions now outweigh those of doubtful value.

Mr. HARTLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to print at this point in the RECORD a speech by the gentleman from Pennsylvania [Mr. KELLEY], who is attending the labor convention in Switzerland.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KELLEY. Mr. Speaker, this labor conference bill should be vetoed, if it is accepted by the Congress. I have already asked the President to do so, pointing out two pertinent facts: First, that the bill will not promote labor-management peace but will make for discontent and unhappiness among our working people and, second, that communism thrives on such discontent and this bill will contribute to its spread.

The working people of this country have never had a great deal of security. They have never been able to look forward to old age without apprehension. This Congress has done nothing to promote their security. On the contrary, all legislation passed by the Eightieth Congress affecting the working people has been injurious or nonbeneficial to them. How can they be contented when they know this? Yet the greatest bulwark against communism is a happy and contented people.

Labor organizations have given their members some measure of security. That is one reason that millions of workingmen and women flock to join unions. They were not compelled or under pressure to do so, notwithstanding the arguments produced by the proponents of the bill that they were forced to join. Only through unions have the masses of the people been able to safeguard themselves against overwhelming insecurity. When I speak of insecurity, I mean as concerns jobs and opportunities to earn a better living. Our workers have been maliciously fired by companies without reason. In times of depression millions have been laid off, and then the argument that in America a man can work at a job of his own choosing does not hold, for he is forced to work at whatever he can get—or starve. There is no alternative.

Moreover, this bill was based on false premises, or at least on undetermined facts, as the one previously mentioned that men were forced to join unions. Was this conclusion ever thoroughly investigated by the committee through witnesses from the rank and file? It was not. Again, there was the statement that the rank-and-file members of unions were generally dissatisfied with union leaders. Was this charge investigated by the committee from witnesses of the rank and file? It was not. These are two of the premises given to the public which were never verified. The authors of the bill must be doubtful about its effectiveness and the results, for they have provided for the establishment of a commission to make a thorough study of labor-management relations. In so doing they have put the cart before the horse. Yet in January in his message to the Congress the President proposed such a commission, resolutions were introduced for the purpose, of one of which I had the honor to be the author, but they were never considered. This was the sound and logical approach to this problem, yet it was passed over and the legislation before us was prepared without proper study and investigation and based on false premises.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. KLEIN] a member of the committee.

Mr. KLEIN. Mr. Speaker, I know that much cannot be added at this late date to what has already been said in the hearings and debate, on the bill and during today's debate on the conference report.

But I am very much concerned at the idea that is going out to the country that the Congress of the United States is being run by big business, by groups such as the National Association of Manufacturers, the Chamber of Commerce, and other spokesmen for big business.

We pass a tax bill which in my opinion and in the opinion of many, many people favors the rich and discriminates against the poor. Now, we are passing a bill which penalizes the laboring people of this country, the ordinary, and to use a much abused term, the common people of the country, who make up the backbone of this Nation. They are being penalized now because of a few excesses of some labor leaders in the past. Both of these actions would seem to strengthen in the people's minds the theory that the Congress is more interested in helping big business, and the wealthly people of the country, than it is in looking to the welfare of the great mass of wage-earners and lower-income groups.

Much has been said about the mandate of November 5, 1946. I want to remind you gentleman on the left, the Republicans, that a minority of the people voted in that election. It never was the peoples' mandate to pass such restrictive measures. If you are so much concerned about mandates, I think if you pass this bill you will rue the mandate that you will get in November 1948, because you will then find that many of you will not be back here the following session. The voters back home will certainly let you know they oppose this type of legislation.

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. KLEIN. I yield to the gentlewoman from New Jersey.

Mrs. NORTON. Mr. Speaker, at long last the labor baiters and labor haters are having a field day, the day you had hoped for for 10 long years. Today, because of the sins of a few labor leaders you are punishing the whole labor movement. Already you have forgotten the great war record of labor without which it would have been impossible to win the war. You intend to punish men and women whose only sin is that they are striving for equality in labor relations, the only power that the workers have. You have voted to give the rich men 33⅓ percent reduction in taxes in what you term the interests of equality, but you have knocked out price control and you are responsible for the highest food prices in my memory. You have broken down nearly all Government restrictions and are now preparing to do so with regard to rent in order to make the rich richer, and you are now attempting to make the poor subservient. But you cannot do it. No law that is unfair and discriminates against the individual will ever succeed in free America. You cannot by law destroy the God-given right of man. The "noble experiment" was tried and when it had succeeded in organizing gangsters instead of outlawing liquor, it was repealed. Much that is in this bill you will bitterly regret.

For the last 14 years your Labor Committee and a Democratic Congress protected labor, with the result that when our country needed labor to supply the necessities of war, production was speeded up until this country became the wonder and the envy of the world. None profited more than the National Association of Manufacturers. That group of "little men" who wrote this bill for their own profit and found a subservient Republican committee ready and anxious to do their bidding——

The SPEAKER. The time of the gentleman from New York [Mr. KLEIN] has expired.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, in all the years it has been my privilege to associate with the Members of this House, never once has a word of criticism of any individual Member crossed my lips. That record will remain unsullied. But the statements which have been made with reference to this bill and to those who wrote it and to those who will vote for it are so filled with arrant nonsense and misinformation that I cannot at this moment refrain from criticizing, not the individuals but the statements that have been made and the conclusions expressed.

The mayor of the city of New York produces a great show in protest against this bill, on the theory that it is anti-labor. That is a show, but it produces no facts, gives no reasons to justify the charges made. Just a farce—a Punch-and-Judy show.

We have been told time and time again that it was involuntary servitude that would be imposed if this bill were adopted. I notice the Member from New Jersey shakes her head in the affirmative.

Mrs. NORTON. That is right.

Mr. HOFFMAN. You are right in this, that upon the free American whose right to work, who must work if he would live and eat, upon him there are restrictions. Under this bill he can be forced, coerced, if you prefer, by violence driven into the union shop, made to pay for the privilege of exercising his right to work. In that way it is involuntary servitude. Not upon the union man but on the 52,000,000 workers who do not belong to, who do not wish to join, unions.

People who criticize this bill, as far as I know them personally, never had, never will have a callus on their hands. Their calluses are elsewhere.

Let me make one of those Drew Pearson statements. Tonight, and when this bill is signed by the President, you will find Lee Pressman, counsel for the CIO, and Joe Padway, counsel for the A. F. of L., holding a champagne and a campaign dinner in celebration of their great victory because, in my humble opinion, it gives to racketeers, extortionists, and ambitious political leaders in the unions additional power which they should not have.

This House was asked to write a bill which would guarantee to the American citizen the right to work without paying tribute to anyone, which would protect employees, unions, and the public. The House came very near writing such a bill. It wrote a good bill. A very good bill– fair, just, and an almost adequate bill. Then, as so often happens, it went to the other body, and there in conference seven men wrote a new bill. I say, by way of compliment to our chairman, he did a good job in that he came back with a bill which carried the House No. 3020. None of the House conferees lost their pants. I want to add, complimenting the gentleman from Indiana [Mr. LANDIS], he did a good job for the United Mine Workers, of which he is an honored member. John L. Lewis, head of that union, should in justice give the gentleman at least a certificate of appreciation, for the gentleman from Indiana brought the bacon home to John in the form of industry-wide bargaining. Now you say, What am I going to do with all that in my mind? I will tell you what I am going to do. I do not like the bill. I had hoped to live long enough—though some folks hoped I would die sooner—to walk out of that door knowing that the Congress, the Senate as well as the House, had passed a bill which would protect the public health, welfare, and safety. This bill does not adequately do that.

For more than 10 long years I have fought on the floor of this House and elsewhere for a bill which would protect the constitutional and the God-given right of a man to work—for a bill which would prevent, under the guise of unionism the necessity of paying tribute before a man was permitted to work at the job which he had, with which he was satisfied. This bill does not give that protection.

For 10 years and longer I have fought to prevent employers who have a monopoly of production along certain lines and labor leaders who have a dictatorship over workers getting together and grinding as it were, between the upper and lower millstones the men and women who must work if they would eat. This bill does not do that. On the contrary, it makes it easier for the ambitious labor leader and the greedy employer to conspire together and exploit the worker. And that today is being done. When you in the smaller cities see your industries losing to the competition of the huge corporations in the cities you will realize what I mean.

The bill contains no adequate provisions which either prevent or punish the participants in sympathy, secondary, or jurisdictional strikes and boycotts.

The bill rewards, gives additional help to, and increases by $2,000 a year, the compensation of the Board members. A Board which admittedly is biased, prejudiced, and unfair. Paying an employee more money and giving him more help has always, in every man's language, been considered an approval of his work. The Board should have been fired, a new Board chosen.

It was my thought, my hope, and my prayer that a Republican Congress would do a thorough job. The House tried. Politicians had their way. Perhaps in '48 a people's Congress will do the job. I am still hoping I will live long enough to see that day and be back here, not home, when the job is done.

This bill is the best we can get at the moment. Perhaps a few strikes in essential industries, the collection of a few more millions of dollars from the public by extortionists in unions, will give us proper legislation in '49. I have had so many things rammed down my throat during the last 13 years that I may not choke to death if I have to swallow this one. There are a few good things in it. At least it breaks the ice. Its adoption will prove that the Wagner Act can be amended. Hence because of that—and because such an overwhelming majority of my colleagues will support the bill I am led to doubt the wisdom of my own judgment—will yield to the pressure of their combined convictions and with misgivings that the bill is worse than the present law, vote for the measure. When, however, folks talk about this bill restricting labor, do not make any mistake. If the Member from New Jersey—I do not know how to say it——

Mrs. NORTON. Do not.

Mr. HOFFMAN. "Do not say it." If the Member from New Jersey believed as I believe, which she thanks God she does not, she would say that this was the gift of the Congress to the unions and the union leaders.

The redeeming feature is that its passage will prove that the NLRA can be amended and in another 2 years even the other body may "get religion."

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Speaker——

Mr. SABATH. Mr. Speaker, will the gentleman yield for a consent request?

Mr BARDEN. Cannot the gentleman wait? Yes; I yield.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

"THE SHEEP ARE HAPPIER BY THEMSELVES THAN UNDER THE CARE OF WOLVES"

Mr. SABATH. Mr. Speaker, it is indeed amazing to me to listen to gentlemen who, day in and day out, have attacked and villified organized labor and its leaders, and who have endeavored in every way to destroy labor unions which have done so much for working people and for the country, now come before us and say that this legislation is in the interest of labor, and for the protection of labor, and for the good of labor.

I am reminded immediately of the observation of Thomas Jefferson, the great democrat, whether you spell it with a capital or with a small d, the great statesman: "The sheep," Jefferson wrote, "are happier of themselves than under the care of wolves."

SO THE WOLVES WILL PROTECT LABOR

Are these gentlemen, then, the wolves who will protect labor, but perhaps at a rather high cost of mortality in union ranks?

Is it not ridiculous that they should suddenly protest a touching and protective solicitude for the welfare of the American workingman? It is rank hypocrisy, and fools no one.

Are not the same forces behind this destructive and revolutionary bill which for many years have expended furious energy and huge sums of money in undermining the force of labor—the Chamber of Commerce, the National Association of Manufacturers, and their lesser but even more virulent satellites? You know they are. They wrote this bill; they devised the strategy; they are jamming it through.

INDUSTRIAL PEACE REIGNS TODAY

Are they urging and forcing through this legislation because of any sympathy they have for the rights and aims of the common people, of working people?

Do they actually believe for one moment that the American people will accept their fantastic statements that this bill is the product of a benevolent and protective industry burning with desire to help and feed the people?

Today we have 58,000,000 people at work. Every able-bodied man or woman who desires work is employed. If ever there was peace between industry and labor, it is today. Strikes and disputes of all kinds are at a minimum. Enlightened management is satisfied. Our present laws are functioning well, to help

labor stand up to its more powerful partner in production, but not to coerce.

WHY EMASCULATE LABOR RELATIONS ACT?

Why, then, this indecent rush to pass this bill which emasculates the Wagner Labor Relations Act, which saps the strength from the Norris-LaGuardia Act, which makes political activity by unions a crime? The Wagner Act was passed by a Democratic Congress under the greatest of all Democratic administrations. It was aimed at remedying many flagrant abuses. It has helped to stabilize the relations between management and labor. It has equalized, to some extent, the disparity in strength between the workers and the employers.

Have not manufacturers and businessmen made more money and become more prosperous under this law than ever before? Did not labor show greater patriotism during World War II than the greedy profiteers who are forcing this legislation upon the country?

NOT TO PROTECT LABOR BUT TO DESTROY IT

To say that this legislation is to protect labor is nonsense. It is, on the other hand, intended to destroy it.

We could have brought in reasonable legislation to remedy any real abuses that have developed. We could have established, as the President recommended, a joint commission to study and examine the entire subject of labor-management relations. This bill, should it ever become law—which, God forbid—would create a labor chaos. It solves no problems; it creates new ones.

HELPED PASS FAVORABLE LEGISLATION

I am deeply gratified that it has been my fortunate lot to aid in the preparation and passage of legislation genuinely helpful to labor and to the country. I am very proud of that. But I should deplore this bill ever becoming law. In the interest of justice and fair play, I am certain that the President will veto this bill, and thus encourage continuation of the present industrial peace and our high standards of prosperity and our unprecedented production.

If you Republicans think that the interests who are forcing you to adopt this legislation will help to reelect you, I tell you now you are badly fooled. They cannot do it, no matter how much money they may expend. All their money cannot buy the American people.

You fooled them in 1946. You cannot fool them in 1948. You promised that with a Republican Congress and abolition of OPA prices would come down. That promise has not been realized. Prices are higher than ever.

A reactionary coalition is in control now; but some day, I hope, there will be a coalition in the interest of the people which will follow the Jeffersonian doctrine, "Equal rights to all, special privileges to none."

CONFEREES REWROTE BILL

I regret that time and space do not permit the full impact of this bill, and of the dangerous changes made by the conferees in rewriting the bill, to be explained line by line. Few indeed who will soon vote on this fateful measure understand its full meaning.

I am inserting here a brief résumé of the principal changes made by the Hartley-Taft bill from existing law; but this brief memo can only hint at the way in which the whole structure of union-management relations is gutted; at the inconsistencies, the inadequacies, and the discriminations presented here:

MAIN CHANGES FROM EXISTING LAW IN TAFT-HARTLEY CONFERENCE BILL H. R. 3020

A. AMENDMENT TO WAGNER ACT

1. Supervisory employees

Places supervisory employees outside the act.

2. Closed shop and union shop; voting

Outlaws closed shop agreements by making it an unfair labor practice to carry them into effect.

Permits union shop agreements only where supported by a vote of a majority of employees eligible to vote. No employee is eligible to vote if he is on strike for straight economic reasons and has been replaced.

3. Discharge of employees for other reasons than nonpayment of dues

Whenever the employer has reason to believe that the union is unfair to an employee who offers to pay dues, he must retain the employee even in spite of a union shop contract or be guilty of an unfair labor practice. At the same time the union cannot cause his discharge from the union and employment on any grounds except nonpayment of dues.

4. Restraint or coercion by labor unions

The conference bill makes it an unfair labor practice for labor unions to restrain or coerce employees in the exercise of their rights.

5. Prohibition of certain legitimate activities

Under section 8 (b) (4) of amendments to the Wagner Act, unions are in effect prevented from refusing to handle goods even if the object is to organize competing plants, to protect fair union labor standards, or to quell an attack which threatens the organization's existence. This is done by failing to distinguish between inexcusable boycotts and legitimate economic action. These activities would also be made subject to employer damage suits in the Federal courts and to court injunctions required to be sought by the Board.

6. Featherbedding practices

Under section 8 (b) (6) of the amendments, featherbedding practices are prohibited as unfair.

7. Strikes at the end of existing agreements in violation of 60-day notice provision

If an employee strikes in violation of a required 60-day notice provision regarding renewal of existing agreements (sec. 8 (d)) he could forever be barred from employment by the employer.

8. Company unions

By section 9 (c) (2) of the amendments the Board must put company dominated unions on the ballot for an election side by side with the bona fide union even if the former has been ordered disestablished the day before.

B. CONCILIATION AND MEDIATION

1. Abolishes Conciliation Service in Department of Labor and sets up an independent agency for this purpose.

2. Directs Federal injunctions against strikes constituting national emergencies.

C. SUITS BY AND AGAINST UNIONS

1. Waives present jurisdictional requirements in Federal courts of diversity of citizenship and amount in controversy where suit involves breach of collective agreement.

D. POLITICAL ACTIVITIES

The measure provides that unions and corporations cannot spend any money in any way to help defeat a candidate for elective Federal office.

OF THE PEOPLE, BY MANAGEMENT, FOR MANAGEMENT

This bill represents a flagrant example of invisible government showing through the curtains.

In every section there is some slight jerkiness as, with pious mouthings about "labor's bill of rights," logic and coherence have been openly and savagely sacrificed to give some undue and unfair advantage to management—to the vested interests—over human beings.

Court rules of evidence are imposed on the Board, although there is no reason or excuse for doing so except to make the Board's functioning more cumbersome, more inefficient, and less impartial and realistic.

In regard to protection of their own rights, supervisory employees are ruled to be a part of management and thrust outside the benefits of the act; but when it comes to inexcusable departure from the principles of agency law, supervisory employees are ruled to be labor.

The prohibition against political expenditures reduces mass organization through the natural voice of organized labor to impotency.

Another clause requires the Board—and ultimately, no doubt, many an appellate court—to rule, not on the facts, but on a state of mind. The American principle of majority rule is violated repeatedly.

I could go on, Mr. Speaker, indefinitely; but limitations of time and space forbid. I can only say that the American people will remember this affront to justice and fair play.

Mr. BARDEN. Mr. Speaker, 5 minutes, or twice 5 minutes, is absolutely inadequate to discuss a bill of this importance. I have been interested in listening, though, to some of the caustic comments by another Member.

During my service in this House I have found this body to be changeable; that is, in personnel, from one Congress to another; but I have found it to be a very fine and honorable group of people who are here in the interest of the American people. There is not a man in this body but who knows the labor group in America, that is the men who toil for a living, are composed of the fine, sturdy Americans, almost the backbone of this Nation. That group includes farmers; it includes mechanics, shop workers, office and railroad employees, and other people who keep the wheels of industry turning.

When this bill went through this House, out of the 435 Members, 107 voted against it; and the proportion was about the same in the Senate. I simply want to say this: Before I would stand in this well and dub three-quarters of my colleagues in this House "labor baiters" and "labor haters," as has been done, or before I would pay that price to return to this Chamber, I would walk out never to return.

There is room for fair play in America, enough fair play for every American.

We believe in equal rights to all and special privileges to none. That is the philosophy of this bill. It is a fair, honest, sincere approach to the solution of a problem that has been affecting every American for the last several years.

Many of the problems causing this legislation could have very easily been settled by the leaders of the great labor organizations had they chosen to do it; but, no, they went so far that the tolerance of the American people was virtually exhausted and the people called for some remedial measures that would set things aright. The channels of commerce were being clogged.

The cost of living was going up. Production was going down and down. Those who have observed the trends know the only way to stop the rising cost of living was and is full production. Therefore we set about to do something.

This has been a troublesome piece of legislation. There are one or two things in the bill that I think are probably inadequately dealt with. I am the type of American who believes when a national emergency is declared by the President in which he says the health, welfare, and safety of America is at stake and imperiled, whether caused by a group from without or within this Nation, every good American should turn to and help relieve that situation and remove that hazard from the heads of the American people. We dealt with that subject very lightly and I do not think adequately. It will require the cooperation and leadership of the heads of the union and labor movements of this country with the Government of the United States in order to avoid the necessity for additional legislation along this line.

We have provided in this bill for some established rules of procedure in evidence and that they should be patterned insofar as practicable after the District courts And in some cases a review by the courts. Is this to be construed as an unfriendly act toward anyone? Why certainly not from the beginning of courts. They have been the haven of refuge for the oppressed or those who have been wronged. Labor, management, and the public are entitled to this protection.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. HARTLEY. Mr. Speaker, I yield the gentleman one additional minute. I regret I cannot give him more, but the time has all been taken.

Mr. BARDEN. I thank the gentleman. I was so much in hopes that maybe I would get as much time as some of the members of the committee who did not have to work on the conference committee. It looks like poor compensation for working and taking all the cussing that I took on the conference committee.

Mr. Speaker, I want to say in all sincerity the conference report is not everything that was in the House bill, it is not everything that we thought should be in the bill, but every provision of it is fair. With all of this talk I want somebody here to take some of the provisions they say are unfair and analyze them. They are talking in generalities. This is a good bill. I think it will solve the problem. I want to say that if the good men in labor do not set about and help remove some of the existing evils they will bring the house down on themselves. It is their responsibility to help the good labor people of this country and I hope that will be done. This bill is not antilabor, anticapital, or antipublic. It is good, sound Americanism, embodying rules of justice and fair play.

The SPEAKER. The time of the gentleman from North Carolina has again expired.

Mr. HARTLEY. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I quite agree with the gentleman from North Carolina in one statement he made, and that is if some leaders in the labor movement do not be a little more watchful, they may bring down wrath upon the heads of people who do not deserve it. I would like to vote for some curative measures with reference to labor and management conduct and conditions. I wanted to have time enough to study this bill a bit. I wanted to see the conference report, and what the managers on the part of the House and the Senate did, long enough before this bill came in here that I could determine for myself what was in this bill. I got the statement of the managers on the part of the House at 20 minutes to 12 this morning. I should have had a day and a night to look into this thing. Of course, everybody knows that nobody on God's earth can explain the provisions of this bill in 10 minutes or 20 minutes or an hour. Now, I know that the gentleman from Indiana [Mr. HALLECK] is going to get up and say how swiftly in the past we have acted on bills and on conference reports, but those were times of great emergency, where 24 hours meant a great deal. I would like to understand this bill.

In trying to understand this bill, it reminds me of a cowboy from my State who was a Member of Congress at one time and who interrupted one of his colleagues to ask a question. And the gentleman was very meticulous in explaining it, and he said, "Now, is that clear to the gentleman?" And my old friend, Oscar Callaway, said, "Yes; just as clear as mud." That is about as clear as this thing is. In the minds of a lot of people in the United States this is going to be a cure-all for all labor troubles when it is passed. It is going to stop all strikes of every kind and character, and if this bill goes to the White House and the President signs it, and there is any labor trouble in the United States after that, some people will say that all labor troubles have not been smoothed out because the President of the United States would not enforce the law. If he should veto this bill and it should pass over his veto, then they will say, "Of course, he is not going to enforce this law, because he was opposed to it." Suppose he vetoes it and his veto is sustained, then all the trouble and difficulties in labor relations will be laid upon his doorstep.

I do not think this bill, as far as I have been able to look into it, is a fair bill, and I am not going to vote for it for that reason.

In closing I want to read to you the thing that they are giving to the men and women who work in this country:

SEC. 502. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent—

That is a great concession—

nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

Many people may declare many places in the United States unsafe for people to work in.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARTLEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Speaker, the Congress started out with the commendable objective of equalizing the bargaining position of labor and management and eliminating the abuses of power that have been manifest in some of these relationships. This bill, however, goes far beyond that aim. It is an intricate web of obtuse and often ambiguous legal phraseology. It is likely to produce an administrative nightmare. The clauses relating to elections alone will produce endless confusion and delay in fixing bargaining units and rights.

The pious declarations of adherence to the principle of collective bargaining cannot cover the fact that this bill would make possible widespread frontal attacks upon collective bargaining and upon the right of labor, heretofore recognized, to organize, select representatives of their own choosing, and bargain collectively for legitimate ends. The bill is drawn in such a way as to permit unfair labor practices. It is a breeder of class hatred and a stimulus to class warfare. It will generate dissension and resentment, not only against free enterprise but against the Government.

In the hands of other than the most skillful administrators, its injunctive provisions might well constitute oppression of our working classes and violate their constitutional right not to be compelled to work against their will. It establishes a pattern of regimentation at a time when the country is anxious to escape from the effects of regimentation. If special laws, like this one, can be enacted and enforced drastically regulating the entire field of labor organization and collective bargaining, it is very certain that this measure will be used in the future as a precedent for similar regimentation of industry. We should recognize that this kind of regimentation is pleasing to communistic and Fascist groups. It is just what they want to help weaken our free capitalistic institutions. The bill is bound to fertilize the ground for dangerous social agitation and unrest, of which, Lord knows, we have already had enough. It is regrettable that the Congress has not been able to check antisocial practices that have grown up

in labor-management relations without seeking to put a halter around the necks of all our laboring classes, who must be the solid bulwark against subversion in the days and years to come, if this Nation is to preserve its major democratic features.

This bill is retaliatory, punitive, and discriminatory insofar as it covers honest, well-meaning patriotic working people and legitimate fair dealing and responsible leaders, as well as those who have not fully or fairly discharged their responsibilities to their own group and to the public. In seeking to curb the abuses of a minority, we would foist and fasten onerous, repressive controls upon the majority, and this is contrary to the spirit and nature of our free system. During the war we had the spectacle of a similar law passed to discipline and regulate labor being used to oust a prominent businessman from his own office. This measure will undoubtedly bring similar results, because such is the logical outgrowth of arbitrary class legislation.

The world and the country are presently in a most ominous situation. Abroad there is indescribable chaos and the threat of another steadily expanding totalitarian tyranny. Already the war drums are beating. At home we are beset by unhappy, but quite general, perplexity and uncertainty concerning the future of our industry, business, and political and economic status. Our problems never were more serious and compelling than they are today. This is the time for us to present a united front to the world and not the time for frictions, divisions, and suspicions among our own people.

I am not questioning the motives of the proponents of this bill because I believe them to be sincerely actuated by a desire to adjust and straighten out certain obvious maladjustments that confront us. But I certainly question the wisdom at this time, or in fact at any time, of omnibus legislation like this which drives a wedge between labor and management and which gives very many working men and women of the Nation a distinct feeling and conviction that management and government are combining to destroy their organizations, break down their rights of representation, recognition, and collective bargaining and subject them to the same kind of a commissar-guided totalitarian regimentation that exists in Russia where workers and businessmen alike are merely pawns of the economic super state.

I know that this legislation will pass this House, but I deplore the fact that the Congress is resorting to such an unprecedented weapon against our laboring people especially at this critical juncture in the affairs of the country and the world. It augurs no good either for future industrial relations or for the social and economic stability of the country. To my mind it is a retrogressive step, entirely unwise and ill-considered in the circumstances, which merely require a revision of the Wagner Act equalizing the bargaining positions of the parties, laws checking jurisdictional strikes, coercion, and certain types of boycotts, and measures protecting the country against major strikes in important public-service industries.

Again let me say, I deplore this type of labor measure and am very sorry that it has to come before the Congress at this time and especially sorry that it should be passed. Of course, while I desire to vote for certain corrective legislation, I cannot in conscience give this bill my support because I feel so deeply and so keenly that it will redound against the welfare of our country. I am therefore constrained to vote against this bill.

Mr. ROONEY. Mr. Speaker, we have before us this afternoon by far the most important piece of legislation to come before the Eightieth Congress. There is but one single hour's time for discussion of its details, and that time is limited to members of the committee. I am unalterably opposed to the so-called Hartley-Taft bill and shall vote against adoption of this conference report. As I said in this House on April 16, when we originally voted on this bill, by its terms it seeks to turn back the economic clock for the laboring man of America by at least 40 or 50 years. It has, therefore, been conclusively shown that this punitive legislation is the brain child of the National Association of Manufacturers and big business of this country. Every move so far made by the majority party during this Congress—and they are the sponsors of this Hartley-Taft bill—has been to make the rich richer and the poor poorer. I would be unfaithful to the trust reposed in me by the citizens of my congressional district, practically all of whom earn their bread by the sweat of their brow, if I were to support this vicious antilabor bill. I shall again vote against it.

Mr. HARTLEY. Mr. Speaker, I yield the balance of the time to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I am glad to see the very able minority leader of the House come to the defense of the Republican Congress. We have been criticized for not acting with sufficient speed on this and some other measures. Now the country will understand that, for the minority leader at least, we are moving a little too expeditiously.

I did not make the rules that provide the time within which conference reports may be called up after they are filed. Those rules are of long standing. They were here long before I came to Congress. The fact of the matter is that at the suggestion of the minority leader the final bill agreed upon in conference was in the hands of every Member yesterday morning. I personally arranged for each Member to have a copy delivered at his office. I do not know when the minority leader saw the conference report, but the conference report, with the statement on the part of the managers, was printed in the CONGRESSIONAL RECORD that was delivered to my house before breakfast this morning. That any one has not had ample opportunity to examine the bill and conference report is not persuasive. As a matter of fact, along with my many duties, I read today the conference report completely through. Not only that, I kind of checked along with some of the conferees, and I knew from day to day pretty well what was going into this bill. And I have no doubt that many other Members could have done the same thing.

Let us just take a look at this. The people, Democrats and Republicans alike, now demand of the Congress of the United States that we enact some sane, fair, decent, reasonable—and, yes, courageous—legislation dealing with the problems of labor-management relations. That is exactly what we have done here.

On April 17, 1947, more than 6 weeks ago, in the well of this House, I said to you:

> Here and now is the time to say to the American people that, as Members of Congress, we have the courage, we have fortitude, we have the good judgment, and the common sense, to undertake the writing of legislation dealing with these very troublesome problems—

Meaning the problems that have arisen under the National Labor Relations Act during the past 12 years.

On that same day, this House, with a unanimity that is rare when important legislation is concerned, voted, 308 to 107, in favor of H. R. 3020, which undertook, first, to bring industrial peace to the troubled field of labor relations; second, to eliminate unlawful practices that, when engaged in under the guise of collective bargaining, our laws protect; and third, to establish the interest of our people as a whole as being paramount to that of any group, whether of employers or of employees.

Some called that bill drastic. Others said it was a slave-labor bill, but they never state, nor can they, on what clauses in the bill they base such assertions. The fact is that none of those epithets, which are indeed poor substitutes for reasoned judgment and argument, is true in any regard. There was not a line in the House bill that by the furthest stretch of the imagination could be construed as compelling anyone in any job to work 1 hour or any part of an hour against his will, or that deprived him of his pay for services performed. The bill preserved, in language almost identical with the present act, the rights of employees and of unions against employers who, by unfair methods, sought to interfere with the workers' rights or undermine their union.

This bill preserves the guarantee of the Wagner Act giving to labor the right to organize and to bargain collectively.

Speaking of so-called slave labor laws, the only one that I ever saw proposed was that proposed by President Truman, when he asked the Congress to draft into the Army the railroad workers of the country who were then on strike.

The bill we passed did forbid, and provide remedies for, activities and practices by labor, as well as activities and practices of management, that almost everyone condemns. Among these were boycotts, jurisdictional strikes, violence in strikes, strikes in violation of contracts, strikes to compel employers to break the law, coercion of employees by unions. It imposed upon compulsory unionism restrictions far less stringent than those in the Railway Labor Act,

under which the railroad brotherhoods have flourished for years. It preserved the constitutional guaranty of free speech. It provided for separating the functions of the Labor Board, required the Board to decide cases before it according to the facts, and gave to the courts real power to review the Board's decisions. And it put the public interest in maintaining output so essential to our national well-being above the selfish interests of employers or of employees.

These clauses, I am glad to say, still are in the conference report. In form, many of them differ from the form in which they appeared in the House bill. But they are in the report now before the House, and in effective form.

Now these are not provisions that destroy unions. Those who say they will destroy unions say, in effect, that unions, in order to exist, must be free to coerce workers, to engage in violence, to break their contracts and to break the law, even the very law that protects them. I say this is not true. The great trade-union movement, which protects so many of our people and which has contributed so greatly to raising their standard of living, can and will thrive under the bill now before us. That is my conviction.

No one in this House expected our bill to come back from conference intact. In addressing the House just before it passed H. R. 3020, I said that the passage of the bill was just "the initial step in a legislative process," and that the bill would go through many more steps before it was finally enacted into law. The bill has gone through those steps. We now have received the conference report and the statement of the House managers. The result is a fair compromise, evolved in the American legislative tradition. It is representative government in action in which the views of people who differ must be harmonized.

The report is, even to those who wished for a more far-reaching result, more than a good start; and, by providing for further study by a joint commission of Congress of problems arising in the labor relations field, it makes certain that problems that it does not deal with will not be forgotten.

I recall that the minority leader, in closing the debate on the Hartley bill when it was before us, expressed the hope that a bill would come out of conference that he could support. This conference report is a fair bill, and until today I had hoped that he would join not only with the overwhelming majority of the Members of the House but with the clear majority of his colleagues on his own side of the aisle in making this bill law. I am disappointed to find that he will not support it.

One further thing: Last November after the election the President said these words:

> The people have elected a Republican majority to the Senate and to the House of Representatives. Under our Constitution, the Congress is the lawmaking body. The people have chosen to entrust the controlling voice in this branch of our Government to the Republican Party. I accept this verdict in the spirit in which all good citizens accept the result of any fair election.

Now, there has been a great deal of talk about a veto of this bill. If the House had passed this bill by the votes of one party, there might be some justification for this kind of talk. The President might then feel that the majority party had ridden roughshod over the minority. But the majority that passed this bill was a bipartisan majority. More Democrats voted for it than voted against it.

In these circumstances, where the majorities of both parties have voted for a more far-reaching bill than the one we have before us now, and where they have done so in response to the insistent demand of the overwhelming majority of our citizens, and where the welfare of our country requires such a law as we now propose, I say to you that talk of a veto reflects upon the good faith of the President in pledging his cooperation with Congress, as the law-making body, last fall.

I, for one, do not think that reflection is justified or is fair to the President. I do not think the President will veto this bill. But, veto or no veto, I say to you that this House must and will keep faith with the American people. This bill will become law.

The SPEAKER. The time of the gentleman from Indiana has expired. All time has expired.

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LESINSKI. Mr. Speaker, I offer a motion to recommit the conference report.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LESINSKI. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. LESINSKI moves to recommit the conference report to the committee of conference.

Mr. HARTLEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. LESINSKI. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The Chair will count. [After counting.] Forty-five Members are in favor of ordering the yeas and nays. There are 351 Members present, not a sufficient number.

The yeas and nays were refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. LESINSKI) there were—ayes 55, noes 246.

So the motion was rejected.

The SPEAKER. The question is on agreeing to the conference report.

Mr. HARTLEY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 79, not voting 30, as follows:

[Roll No. 70]

YEAS—320

Abernethy	Engle, Calif.	McMillen, Ill.
Albert	Evins	MacKinnon
Allen, Calif.	Fallon	Macy
Allen, Ill.	Fellows	Mahon
Allen, La.	Fenton	Maloney
Almond	Fernandez	Manasco
Andersen, H. Carl	Fisher	Martin, Iowa
	Fletcher	Mason
Anderson, Calif.	Folger	Mathews
Andresen, August H.	Foote	Meade, Ky.
	Fulton	Meade, Md.
Andrews, Ala.	Gamble	Merrow
Andrews, N. Y.	Gary	Meyer
Arends	Gathings	Michener
Arnold	Gavin	Miller, Conn.
Auchincloss	Gearhart	Miller, Md.
Bakewell	Gillette	Miller, Nebr.
Banta	Gillie	Mills
Barden	Goff	Mitchell
Barrett	Goodwin	Monroney
Bates, Mass.	Gore	Morton
Battle	Gossett	Muhlenberg
Beall	Graham	Mundt
Beckworth	Grant, Ind.	Murray, Tenn.
Bender	Gregory	Murray, Wis.
Bennett, Mich.	Griffiths	Nixon
Bennett, Mo.	Gross	Nodar
Blackney	Gwinn N. Y.	Norblad
Boggs, Del.	Gwynne, Iowa	Norrell
Boggs, La.	Hagen	O'Hara
Bolton	Hale	O'Konski
Bonner	Hall, Edwin Arthur	Owens
Boykin		Pace
Bradley	Hall, Leonard W.	Passman
Bramblett		Patman
Brooks	Halleck	Patterson
Brown, Ga.	Hand	Peden
Brown, Ohio	Hardy	Phillips, Calif.
Bryson	Harris	Pickett
Buck	Harrison	Ploeser
Buffett	Hartley	Plumley
Bulwinkle	Hays	Poage
Burke	Hébert	Potts
Burleson	Herter	Poulson
Busbey	Heselton	Preston
Byrnes, Wis.	Hill	Price, Fla
Camp	Hinshaw	Priest
Canfield	Hobbs	Rains
Carson	Hoeven	Ramey
Case, N. J.	Hoffman	Rankin
Case, S. Dak.	Hope	Redden
Chadwick	Horan	Reed, Ill.
Chapman	Howell	Reed, N. Y.
Chelf	Jackson, Calif.	Rees
Chenoweth	Jarman	Reeves
Chiperfield	Jenison	Rich
Church	Jenkins, Ohio	Richards
Clark	Jenkins, Pa.	Riehlman
Clason	Jennings	Rivers
Clevenger	Jensen	Rizley
Clippinger	Johnson, Calif.	Robertson
Coffin	Johnson, Ill.	Robsion
Cole, Kans.	Johnson, Ind.	Rockwell
Cole, Mo.	Johnson, Tex.	Rogers, Fla.
Cole, N. Y.	Jones, Ala.	Rogers, Mass.
Colmer	Jones, N. C.	Rohrbough
Cooley	Jones, Ohio	Ross
Cooper	Jonkman	Russell
Corbett	Judd	Sadlak
Cotton	Kean	St. George
Coudert	Kearney	Sanborn
Courtney	Kearns	Sarbacher
Cox	Keating	Sasscer
Cravens	Keefe	Schwabe, Mo.
Crawford	Kerr	Schwabe, Okla.
Crow	Kersten, Wis.	Scoblick
Cunningham	Kilburn	Scott, Hardie
Curtis	Kilday	Scott, Hugh D., Jr.
Dague	Kunkel	
Davis, Ga.	Landis	Scrivner
Davis, Tenn.	Larcade	Seely-Brown
Davis, Wis.	Latham	Shafer
Dawson, Utah	Lea	Short
Deane	LeCompte	Simpson, Ill.
Devitt	LeFevre	Simpson, Pa.
D'Ewart	Lewis	Smathers
Dirksen	Lodge	Smith, Maine
Dolliver	Love	Smith, Va.
Domengeaux	Lucas	Smith, Wis.
Dondero	Lusk	Snyder
Dorn	Lyle	Springer
Doughton	McConnell	Stanley
Drewry	McCowen	Stefan
Durham	McDonough	Stevenson
Eaton	McDowell	Stigler
Ellis	McGarvey	Stockman
Ellsworth	McGregor	Stratton
Elsaesser	McMahon	Sundstrom
Engel, Mich.	McMillan, S. C.	Taber

Talle	Vinson	Wilson, Tex.
Taylor	Vorys	Winstead
Teague	Vursell	Wolcott
Thomas, N. J.	Weichel	Wolverton
Thomason	West	Woodruff
Tibbott	Wheeler	Worley
Towe	Whitten	Youngblood
Trimble	Whittington	Zimmerman
Twyman	Williams	
Vail	Wilson, Ind.	

NAYS—79

Angell	Gorski	Mansfield, Mont.
Bates, Ky.	Harless, Ariz.	Marcantonio
Bishop	Hart	Miller, Calif.
Blatnik	Havenner	Morgan
Bloom	Hedrick	Morris
Brehm	Heffernan	Murdock
Brophy	Holifield	Norton
Buchanan	Huber	O'Brien
Buckley	Hull	O'Toole
Butler	Jackson, Wash.	Philbin
Byrne, N. Y.	Javits	Phillips, Tenn.
Cannon	Johnson, Okla.	Price, Ill.
Carroll	Jones, Wash.	Rabin
Celler	Karsten, Mo.	Rayburn
Clements	Kee	Rayfiel
Combs	Kefauver	Rooney
Crosser	Kennedy	Sabath
Dawson, Ill.	Keogh	Sadowski
Delaney	King	Sheppard
Dingell	Kirwan	Somers
Donohue	Klein	Spence
Douglas	Lane	Thomas, Tex.
Eberharter	Lanham	Tollefson
Feighan	Lemke	Walter
Fogarty	Lesinski	Welch
Forand	Lynch	
Gordon	Madden	

NOT VOTING—30

Bell	Harness, Ind.	Pfeifer
Bland	Hendricks	Powell
Elliott	Hess	Riley
Elston	Holmes	Sikes
Flannagan	Kelley	Smith, Kans.
Fuller	Knutson	Smith, Ohio
Gallagher	McCormack	Van Zandt
Gifford	Mansfield, Tex.	Wadsworth
Granger	Morrison	Wigglesworth
Grant, Ala.	Peterson	Wood

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Holmes for, with Mr. Pfeifer against.
Mr. Wood for, with Mr. Granger against.
Mr. Sikes for, with Mr. Kelley against.
Mr. Bell for, with Mr. Flannagan against.
Mr. Van Zandt for, with Mr. Powell against.
Mr. Riley for, with Mr. McCormack against.

General pairs until further notice:

Mr. Knutson with Mr. Bland.
Mr. Wigglesworth with Mr. Peterson.
Mr. Harness of Indiana with Mr. Morrison.
Mr. Wadsworth with Mr. Elliott.
Mr. Smith of Kansas with Mr. Grant of Alabama.
Mr. Hess with Mr. Mansfield of Texas.
Mr. Elston with Mr. Hendricks.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE COMMITTEE ON WOOL BILL

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

JUNE 4, 1947.

Hon. JOSEPH W. MARTIN, Jr.,
Speaker, House of Representatives.

MY DEAR MR. SPEAKER: This is to advise that it will be necessary for me to resign from the conference committee on the wool bill. I am leaving the city today for a few days' rest upon doctor's orders.

Sincerely yours,

JOHN W. FLANNAGAN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Missouri [Mr. ZIMMERMAN] to serve on the conference committee on the wool bill, and the Senate will be notified accordingly.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to revise and extend his remarks in the RECORD in three instances and to include three resolutions.

Mr. HAVENNER asked and was given permission to extend his remarks in the RECORD in two instances, in one to include a newspaper article.

Mr. ROONEY asked and was given permission to extend his remarks in the RECORD and include two newspaper editorials.

EVANS FORDYCE CARLSON

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, in Arlington Cemetery today the body of Brig. Gen. Evans F. Carlson will be buried with the military honors that befit one of the foremost heroes of World War II.

Every American knows his story. They know of his courage and of his ability to lead and inspire men. They will long remember Evans Carlson, the man who organized, trained, and led Carlson's Raiders, a military unit unique in modern American history.

Evans Carlson, professional soldier that he was, threw away the book in forming his Raiders. He had a name for his system. It was Gung Ho—work together—a name he had picked up in China where as a Marine intelligence officer he soldiered with the famous Eighth Route Army.

Actually Gung Ho was an ideal old as mankind's struggle for liberty against tyranny and aggression. Carlson's Yankee forebears had it at Concord when they took up muskets to fight for liberty in the American Revolution. It was present, too, in the underground movements of Europe wherever people united democratically to rid their native lands of Fascist aggressors.

ABOLISHED CASTE SYSTEM

There was no caste system in Carlson's Raiders. What was good enough for the lowest Raider private was good enough for the officers who led them.

Evans Carlson believed that men who knew what they were fighting for and why were better soldiers, so he mixed 50-mile forced marches with political indoctrination. He encouraged his men to ask questions. He and his officers gave straight answers. When the Raiders went on a military operation they knew what they were doing and why. Carlson's Raiders were the most feared as well as the best informed fighting organization in the Pacific.

The Raiders proved the effectiveness of Carlson's training technique in their first military action. They kept on proving it right up to the time that the high command broke them up and scattered the battalion's officers and men through the Marine Corps.

They proved it on Makin Island when a handful of raiders wiped out an enemy garrison many times their number. They proved it again on Guadalcanal when Evans Carlson led his men through steaming, fever-ridden jungles, wiping out enemy forces in guerrilla action and finally relieving sorely pressed American troops at Henderson Field.

The three Navy Crosses and the many other military honors he won on the field of battle speak for Evans Carlson, the soldier.

CITIZEN AND SOLDIER

It is Evans Carlson, the citizen, a courageous fighter in and out of uniform for the rights and dignity of man, that I wish to eulogize today.

Evans Carlson, professional soldier, veteran of both World Wars, a by-the-book marine who soldiered in Nicaragua and China, never forgot that he was first and always a citizen. Never did he regard war as an end in itself.

Twice in his lifetime he felt it necessary to lay aside his uniform, and, as an American citizen, go forth and speak out for ideas he believed worth fighting for. The son of a New England clergyman, Evans Carlson was always a deeply religious man.

As a Marine officer he saw native people of Nicaragua fight well and effectively against overwhelming odds for the right to manage the affairs of their own country. Later in China he observed at first hand the heroic struggles of the common people of that nation against aggression. What he saw in China impressed him immensely. So much in fact that he felt it necessary to resign his commission and return to America in a vain effort to rouse his countrymen by speeches and articles to the danger of our short-sighted policies in the Orient—policies that permitted us to ship scrap iron and petroleum to Japan while we wept inky tears over the rape of Nanking.

HE DIED FIGHTING

When he donned his uniform for World War II, Evans Carlson was convinced that he was fighting in the final world conflict.

Wounds, fever, and the tremendous mental and physical strain of nearly 4 years of war that carried him into the thick of battle on Makin, Guadalcanal, Tarawa, Kwajalein, and Saipan hastened Carlson's death. Even his courageous Yankee heart could not withstand such strain.

Yet, as death neared, he had the will and the desire to speak out as a citizen-soldier on issues he believed important to his country's and to all men's welfare. He spoke out strongly against American interference in China and opposed any American policy of dictating in the internal affairs of other nations. He believed, most devoutly, that there should be no barriers between peoples of good faith.

Evans Carlson was a soldier's soldier. He was and always will be an American's American.

EXTENSION OF REMARKS

Mr. POULSON asked and was given permission to revise and extend his remarks.

TREASURY AND POST OFFICE APPROPRIATIONS, 1948

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2436) making appropriations for the Treasury and Post Office Departments for the fiscal year 1948, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. CANFIELD, DIRKSEN, GRIFFITHS, ROBERTSON, GARY, BATES of Kentucky, and WHITTEN.

AMENDING THE NATIONAL LABOR RELATIONS ACT

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 52.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 3020) to amend the National Labor Relations Act, to provide additional facilities for the mediation of labor disputes affecting commerce, to equalize legal responsibilities of labor organizations and employers, and for other purposes, the Clerk of the House is authorized and directed to make the following correction: In the matter in parentheses in the section designated as "Sec. 15" in title I, change the figure "10" to "11."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LODGE, for June 5 and 6, on account of official business.

To Mr. DEVITT, for June 9 to 11, inclusive, on account of official business.

To Mr. SMITH of Ohio (at the request of Mr. MCGREGOR), for 10 days, on account of illness.

HENRY CHUDEJ

The SPEAKER. The Chair lays before the House the following request, which the Clerk will report.

The Clerk read as follows:

Mr. KILDAY requests, pursuant to rule XXXVIII, leave to withdraw from the files of the House papers in the case of H. R. 4526, for the relief of Henry Chudej, individually, and as guardian of Jeanette Jurecek, a minor, Seventy-ninth Congress, no adverse report having been filed thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILLS SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1. An act to reduce individual income-tax payments.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 135. An act to legalize the admission into the United States of Frank Schindler;

S. 565. An act to amend section 3539 of the Revised Statutes, relating to taking trial pieces of coins;

S. 566. An act to amend sections 3533 and 3566 of the Revised Statutes with respect to deviations in standard of ingots and weight of silver coins; and

S. 583. An act to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating buildings therein, and for other purposes.

S. 993. An act to provide for the reincorporation of Export-Import Bank of Washington, and for other purposes;

S. 1022. An act to authorize an adequate White House police force; and

S. 1073. An act to extend until June 30, 1949, the period of time during which persons may serve in certain executive departments and agencies without being prohibited from acting as counsel, agent, or attorney for prosecuting claims against the United States by reason of having so served.

BILL PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 1. An act to reduce individual income tax payments.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House adjourned until tomorrow, Thursday, June 5, 1947, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

738. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to prescribe the measure of damage on account of trespass upon, unlawful use of, and unlawful enclosure of lands or resources owned or controlled by the United States; to the Committee on the Judiciary.

739. A letter from the Acting Chairman, National Mediation Board, transmitting quarterly estimate of personnel requirements for the National Mediation Board, including the National Railroad Adjustment Board, for the quarter beginning July 1, 1947; to the Committee on Post Office and Civil Service.

740. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $500,000 for the Federal Security Agency (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

741. A letter from the Acting Secretary of the Navy, transmitting a report of proposed transfer of Navy equipment to various municipalities and to an American Legion post; to the Committee on Armed Services.

742. A letter from the Secretary of State, transmitting a draft of a proposed joint resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor; to the Committee on Foreign Affairs.

743. A letter from the Acting Secretary of the Interior, transmitting pursuant to section 16 of the organic act of the Virgin Islands of the United States, approved June 22, 1936, one copy each of various legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Public Lands.

744. A letter from the Acting Secretary of the Navy, transmitting a report of a proposed transfer of equipment to the City Commission of the City of Jacksonville, Fla.; to the Committee on Armed Services.

745. A communication from the President of the United States, transmitting a report of the Advisory Commission on Universal Training; to the Committee on Armed Services.

746. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill to redefine the units and establish the standards of electrical and photometric measurements; to the Committee on Interstate and Foreign Commerce.

747. A letter from the Comptroller General of the United States, transmitting report on audit of Federal Prison Industries, Inc., for the fiscal year ended June 30, 1946 (H. Doc. No. 292); to the Committee on Expenditures in the Executive Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 231. Resolution providing for the consideration of H. R. 1389, a bill to amend the Veterans' Preference Act of 1944; without amendment (Rept. No. 512). Referred to the House Calendar.

Mr. ANDREWS of New York: Committee on Armed Services. H. R. 3394. A bill to amend the act entitled "An act to provide for the evacuation and return of the remains of certain persons who died and are buried outside the continental limits of the United States," approved May 16, 1946, in order to provide for the shipment of the remains of World War II dead to the homeland of the deceased or of next of kin, to provide for the disposition of group and mass burials, to provide for the burial of unknown American World War II dead in United States military cemeteries to be established overseas, to authorize the Secretary of War to acquire land overseas and to establish United States military cemeteries thereon, and for other purposes; without amendment (Rept. No. 513). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNUTSON: Committee on Ways and Means. House Joint Resolution 210. Joint resolution to extend the time for the release free of estate and gift tax, of certain powers, and for other purposes; without amendment (Rept. No. 514). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 210. A bill to establish rearing ponds and a fish hatchery

at or near Rogers City, Mich.; without amendment (Rept. No. 515). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 214. A bill to establish rearing ponds and a fish hatchery at or near St. Ignace, Mich.; without amendment (Rept. No. 516). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 215. A bill to establish rearing bonds and a fish hatchery at or near Charlevoix, Mich.; without amendment (Rept. No. 517). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEICHEL: Committee on Merchant Marine and Fisheries. H. R. 216. A bill to establish rearing ponds and a fish hatchery; without amendment (Rept. No. 518). Referred to the Committee of the Whole House on the State of the Union.

Mr. REID of New York: Committee on Ways and Means. H. R. 3602. A bill to exempt from admissions tax general admissions to agricultural fairs; without amendment (Rept. No. 519). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committe on Agriculture was discharged from the consideration of the bill (S. 1072) to extend until July 1, 1949, the period during which income from agricultural labor and nursing services may be disregarded by the States in making old-age assistance payments without prejudicing their rights to grants-in-aid under the Social Security Act, and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of Wisconsin:

H. R. 3715. A bill to amend the Federal Power Act so as to provide that the accounts of a licensee or public utility need not be changed when kept in accordance with the laws and requirements of a State, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of California:

H. R. 3716. A bill to provide a method of paying unsettled, uninsured claims for damages sustained as a result of the explosions at Port Chicago, Calif., on July 17, 1944, in the amounts recommended by the Secretary of the Navy; to the Committee on the Judiciary.

By Mr. HAGEN:

H. R. 3717. A bill conferring jurisdiction upon the Indian Claims Commission to hear and determine the claims of the Wisconsin Band of Pottawatomie Indians; to the Committee on Public Lands.

By Mr. JACKSON of Washington:

H. R. 3718. A bill to amend section 23 of the Internal Revenue Code to permit deductions from gross income by corporations that turn over their facilities for a period of time to veterans' organizations; to the Committee on Ways and Means.

By Mr. PHILLIPS of Tennessee (by request):

H. R. 3719. A bill to amend the National Service Life Insurance Act of 1940, as amended; to the Committee on Veterans' Affairs.

By Mr. PLOESER:

H. R. 3720. A bill to provide for regulation of certain insurance rates in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FULTON:

H. R. 3721. A bill to provide that beneficiaries of national service life insurance maturing prior to August 1, 1946, may elect to receive the proceeds of such insurance in a lump sum; to the Committee on Veterans' Affairs.

H. R. 3722. A bill to authorize payment of certain personal property claims of military personnel and civilian employees of the War Department or of the Army, or of the Navy Department or of the Navy, in the case of death, to their survivors; to the Committee on the Judiciary.

By Mr. CURTIS:

H. Res. 233. Resolution for the relief of Pearl Cox; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 3723. A bill for the relief of Elbert and Myrtle Eastman; to the Committee on the Judiciary

By Mr. FULLER:

H. R. 3724. A bill for the relief of Joseph Gleason; to the Committee on the Judiciary.

By Mr. GORSKI:

H. R. 3725. A bill for the relief of Harry Tansey; to the Committee on the Judiciary.

By Mr. JONKMAN:

H. R. 3726. A bill for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of war conditions; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H. R. 3727. A bill for the relief of Mrs. Marion T. Schwartz; to the Committee on the Judiciary.

By Mr. OWENS:

H. R. 3728. A bill for the relief of Tomasz Kijowski; to the Committee on the Judiciary.

By Mr. THOMAS of Texas:

H. R. 3729. A bill for the relief of S. C. Gerard; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

603. By Mr. HULL: Petition of the Legislature of Wisconsin, requesting the Congress to pass, at the earliest possible moment, S. 126 or H. R. 1180 or any similar bill relating to the coinage of 50-cent pieces in commemoration of the Wisconsin centennial celebration; to the Committee on Banking and Currency.

604. By the SPEAKER: Petition of members of the State Council of Virginia, Daughters of America, petitioning consideration of their resolution with reference to favoring further immigration restrictions; to the Committee on the Judiciary.

605. Also, petition of the membership of the Tallahassee Townsend Club, No. 1, Tallahassee, Fla., petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

606. Also, petition of H. C. Curtis, West Palm Beach, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 5, 1947

(Legislative day of Monday, April 21, 1947)

The Senate met, in executive session, at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

Our Heavenly Father, if it be Thy will that America should assume world leadership, as history demands and the hopes of so many nations desire, make us good enough to undertake it.

We consider our resources in money and in men, yet forget the spiritual resources without which we dare not and cannot lead the world.

Forgive us all for our indifference to the means of grace Thou hast appointed. Thy Word, the best seller of all books, remains among us the great unread, the great unbelieved, the great ignored.

Turn our thoughts again to that Book which alone reveals what man is to believe concerning God and what duty God requires of man.

Thus informed, thus directed, we shall understand the spiritual laws by which alone peace can be secured, and learn what is the righteousness that alone exalteth a nation.

For the sake of the world's peace and our own salvation, we pray in the name of Christ Thy revelation. Amen.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the legislative proceedings of Wednesday, June 4, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, notified the Senate that Mr. ZIMMERMAN had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 814) to provide support for wool, and for other purposes, vice Mr. FLANNAGAN, excused.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2436) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1948, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANFIELD, Mr. DIRKSEN, Mr. GRIFFITHS, Mr. ROBERTSON, Mr. GARY, Mr. BATES of Kentucky, and Mr. WHITTEN were appointed managers on the part of the House at the conference.